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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes details for application 10/851,663 filed 05/24/2004 by John W. McElroy.

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Belay@blankrome.com
WashingtonDocketing@blankrome.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Patent No. 8209205
Issued Date: 26 June, 2012
Appl. No: 10/851,663
Filed.: 24 May 2004

PART (A) RESPONSE FOR CERTIFICATES OF CORRECTION

This is a decision on the Certificate of Correction request filed 26 February 2016.

The request for issuance of Certificate of Correction for the above-identified correction(s) under the provisions of 37 CFR 1.322 and/or 1.323 is hereby:

(Check one)

Approved Approved in Part Denied

Comments:

PART (B) PETITION UNDER 37 CFR 1.324 OR 37 CFR 1.48

This is a decision on the petition filed _____ to correct inventorship under 37 CFR 1.324.

This is a decision on the request under 37 CFR 1.48, petition filed _____. In view of the fact that the patent has already issued, the request under 37 CFR 1.48 has been treated as a petition to correct inventorship under 37 CFR 1.324.

The petition is hereby: Granted Dismissed

The patented filed is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/BETH V BOSWELL/
Supervisory Patent Examiner, Art Unit 3623
Technology Center 3600
Phone: (571)272-6737

Certificates of Correction Branch email: CustomerServiceCoC@uspto.gov CoC Central Phone Number: (703) 756-1814

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Inventor Name: John W. McElroy
Title: PLANNING AND SCHEDULING TOOL ASSISTANT
ASSURING HIGH UTILIZATION OF RESOURCES
Patent. No.: 8,209,205
Issue Date: June 26, 2012
Examiner: Anderson, Folashade
Art Unit: 3623
Confirmation Number: 1154

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Enclosed, in duplicate, is a Certificate of Correction, Form PTO-SB/44, for United States Patent Number 8,209,205, issued June 26, 2012. Patentee submits that the noted errors do not constitute new matter, and correction thereof would not require reexamination.

Pursuant to 37 C.F.R. §1.323, Patentee requests that the enclosed Certificate of Correction be approved.

Claims 4 and 8 (the '205 Patent; copy attached as Exhibit A) were incorrectly issued as a result of the Applicant's typographical errors, filed in an Amendment After Decision on Appeal on February 16, 2012. Accordingly, Patentee respectfully requests that a Certificate of Correction be issued to correct the language of claims 4 and 8 for the reasons discussed below.

Claim 4 should be corrected as follows:

4. The system of claim 3, wherein the resource loading is determined based on whether a work group has been ~~over-loaded~~ overloaded with too much work.

Claim 8 should be corrected as follows:

8. The system of claim 1, wherein the system runs on a computing device on is a networked computer in communication with a database server.

In the Amendment After Decision on Appeal on February 16, 2012, the Applicant submitted claim 9 of the '205 Patent in the corrected form shown below. However, the '205 Patent incorrectly issued with the additional phrase, "further comprising a," which has been removed below.

9. The system of claim 1, ~~further comprising a~~ wherein the system computing device is programmed to be used for scheduling and planning.

Since at least one of the noted errors is not the fault of the USPTO, payment is enclosed.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (130733.00108). In the event that a petition for an extension does not accompany this response, Applicant hereby petitions under 37 C.F.R. § 1.136(a) for an extension of time for as many months are required to render this submission timely. Any fee due is authorized above.

The USPTO is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present request to correct the above-reference patent.

Dated: February 26, 2016

Respectfully submitted,

By: /Michael C. Greenbaum/

Michael C. Greenbaum
Registration No. 28,419
BLANK ROME LLP
Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 8,209,205
 APPLICATION NO.: 10/851,663
 ISSUE DATE : June 26, 2012
 INVENTOR(S) : John W. McElroy, Sean P. McElroy, Kirk Samsel

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In column 14, lines 2-3, Claim 4, remove -- over loaded --.

In column 14, line 12, Claim 8, insert -- a -- before "computing device."

In column 14, line 12, Claim 8, delete -- is -- and insert and -- on --.

In column 14, line 14, Claim 9, remove -- further comprising a --.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Michael C. Greenbaum
 BLANK ROME LLP, 600 New Hampshire Avenue NW
 Washington, DC 20037

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	10851663
Filing Date:	24-May-2004
Title of Invention:	PLANNING AND SCHEDULING TOOL ASSISTANT ASSURING HIGH UTILIZATION OF RESOURCES
First Named Inventor/Applicant Name:	John W. McElroy
Filer:	Michael C. Greenbaum/Lynette James
Attorney Docket Number:	130733.0104

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Certificate of Correction	2811	1	100	100

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				100

Electronic Acknowledgement Receipt

EFS ID:	25032956
Application Number:	10851663
International Application Number:	
Confirmation Number:	1154
Title of Invention:	PLANNING AND SCHEDULING TOOL ASSISTANT ASSURING HIGH UTILIZATION OF RESOURCES
First Named Inventor/Applicant Name:	John W. McElroy
Customer Number:	27557
Filer:	Michael C. Greenbaum/Lynette James
Filer Authorized By:	Michael C. Greenbaum
Attorney Docket Number:	130733.0104
Receipt Date:	26-FEB-2016
Filing Date:	24-MAY-2004
Time Stamp:	13:24:03
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$100
RAM confirmation Number	27741
Deposit Account	232185
Authorized User	GREENBAUM, MICHAEL C.

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 CFR 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 CFR 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 CFR 1.19 (Document supply fees)
 Charge any Additional Fees required under 37 CFR 1.20 (Post Issuance fees)
 Charge any Additional Fees required under 37 CFR 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Certificate of Correction	130733-00104_-Request_for_Certificate_of_Correction.pdf	531903 a5d43a0add6ec9c33f193be761e1fd08997af958	no	5

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30374 5a0beae7b1c4b11007e6fa11cd587ed9f0c0f2b9	no	2
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Warnings:

Information:

Total Files Size (in bytes):			562277		
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/851,663	06/26/2012	8209205	130733.0104	1154

27557 7590 06/06/2012
 BLANK ROME LLP
 WATERGATE
 600 NEW HAMPSHIRE AVENUE, N.W.
 WASHINGTON, DC 20037

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
 (application filed on or after May 29, 2000)

The Patent Term Adjustment is 2847 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

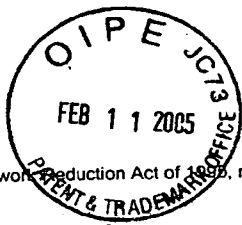
If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

John W. McElroy, Newtown Square, PA;
 Sean P. McElroy, Draper, UT;
 Kirk Samsel, Denver, CO;



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

Complete if Known

Application Number	10/851,663
Filing Date	May 24, 2004
First Named Inventor	John W. McElroy
Art Unit	3623
Examiner Name	Unassigned
Attorney Docket Number	062750-00104

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
Change(s) applied to document, /G.K.P./ 4/5/2012		US-2002/0111842	08-15-02	Miles	
		US-2002/0007297	01-17-02	Clarke	
		US-2002/0010615	01-24-02	Jacobs	
		US-2002/0049563	04-25-02	Vetter, et al.	
		US-2002/0143601	10-03-02	Sinex	
		US-2002/0161674	10-31-02	Scheer	
		US-2003/0041087	02-27-03	Pothos, et al.	
		US-5,787,000	07-28-98	Lilly, et al.	
		US-5,835,898	11-10-98	Borg, et al.	
		US-5,970,437	10-119-99	Gorman, et al.	
		US-6,006,171	12-21-99	Vines, et al.	
		US-6,421,571	07-16-02	Spriggs, et al.	
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 99/05684	02-04-99	Vines, et al.		

Examiner Signature /Folashade Anderson/ (09/16/2008)

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /F.A./ (09/16/2008)

PART B -FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**
or Fax **(571) 273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

BLANK ROME LLP
600 New Hampshire Ave., NW
Washington, DC 20037

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

_____ (Depositor's name)
_____ (Signature)
_____ (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/851,663	05/24/2004	John W. MCELROY	130733.0104	1154

TITLE OF INVENTION: **PLANNING AND SCHEDULING TOOL ASSISTANT ASSURING HIGH UTILIZATION OF RESOURCES**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	yes	\$870.00	0	\$870.00	05/29/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
F. Anderson	3623	

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached.</p> <p>Use of a Customer Number is required.</p>	<p>2. For printing on the patent front page, list</p> <p>(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,</p> <p>(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.</p>	<p>1 <u>Blank Rome LLP</u></p> <p>2 _____</p> <p>3 _____</p>
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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: John W. McElroy

(B) RESIDENCE: (CITY and STATE OR COUNTRY) Newtown Square, PA

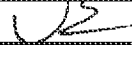
Please check the appropriate assignee category or categories (will not be printed on the patent). Individual Corporation or other private group entity Government

<p>4a. The following fee(s) are enclosed:</p> <p><input checked="" type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order -# of Copies _____</p>	<p>4b. Payment of Fee(s):</p> <p><input type="checkbox"/> A check in the amount of the fee(s) is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number <u>23-2185</u></p>
--	---

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature <u>/david j. edmondson/</u> 	Date <u>May 23, 2012</u>
Typed or printed name <u>David J. Edmondson</u>	Registration No. <u>35,126</u>

Electronic Patent Application Fee Transmittal

Application Number:	10851663
Filing Date:	24-May-2004
Title of Invention:	PLANNING AND SCHEDULING TOOL ASSISTANT ASSURING HIGH UTILIZATION OF RESOURCES
First Named Inventor/Applicant Name:	John W. McElroy
Filer:	David J. Edmondson/Frances Purnell
Attorney Docket Number:	130733.0104

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	2501	1	870	870

Extension-of-Time:

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				870

Electronic Acknowledgement Receipt

EFS ID:	12844491
Application Number:	10851663
International Application Number:	
Confirmation Number:	1154
Title of Invention:	PLANNING AND SCHEDULING TOOL ASSISTANT ASSURING HIGH UTILIZATION OF RESOURCES
First Named Inventor/Applicant Name:	John W. McElroy
Customer Number:	27557
Filer:	David J. Edmondson/Frances Purnell
Filer Authorized By:	David J. Edmondson
Attorney Docket Number:	130733.0104
Receipt Date:	23-MAY-2012
Filing Date:	24-MAY-2004
Time Stamp:	12:50:19
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$870
RAM confirmation Number	11128
Deposit Account	232185
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	1307330104_- _13073300104issuefee_1.pdf	100449 c69eb44b6db3ab2cba96f8e4d88e857f4165fd84	no	1

Warnings:

Information:

2	Fee Worksheet (SB06)	fee-info.pdf	30346 af92cecf2df9bea8b4286f99e1da6d095c7f6aa6	no	2
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Warnings:

Information:

Total Files Size (in bytes): 130795

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 10/851,663, 05/24/2004, 3623, 538, 130733.0104, 10, 1

CONFIRMATION NO. 1154

CORRECTED FILING RECEIPT



27557
BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

Date Mailed: 03/06/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

John W. McElroy, Newtown Square, PA;
Sean P. McElroy, Draper, UT;
Kirk Samsel, Denver, CO;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/472,414 05/22/2003
and claims benefit of 60/483,111 06/30/2003

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.)

If Required, Foreign Filing License Granted: 07/20/2004

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US 10/851,663

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

** SMALL ENTITY **

Title

PLANNING AND SCHEDULING TOOL ASSISTANT ASSURING HIGH UTILIZATION OF RESOURCES

Preliminary Class

705

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage, facilitate, and accelerate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.



NOTICE OF ALLOWANCE AND FEE(S) DUE

27557 7590 02/27/2012
BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

Table with 2 columns: EXAMINER (ANDERSON, FOLASHADE), ART UNIT (3623), PAPER NUMBER

DATE MAILED: 02/27/2012

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.

10/851,663 05/24/2004 John W. McElroy 130733.0104 1154
TITLE OF INVENTION: PLANNING AND SCHEDULING TOOL ASSISTANT

Table with 7 columns: APPLN. TYPE, SMALL ENTITY, ISSUE FEE DUE, PUBLICATION FEE DUE, PREV. PAID ISSUE FEE, TOTAL FEE(S) DUE, DATE DUE

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

27557 7590 02/27/2012

BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/851,663	05/24/2004	John W. McElroy	130733.0104	1154

TITLE OF INVENTION: PLANNING AND SCHEDULING TOOL ASSISTANT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$0	\$0	\$870	05/29/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
ANDERSON, FOLASHADE	3623	705-008000

<p>1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).</p> <p><input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.</p> <p><input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.</p>	<p>2. For printing on the patent front page, list</p> <p>(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____</p> <p>(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____</p> <p>3 _____</p>
---	---

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE _____ (B) RESIDENCE: (CITY and STATE OR COUNTRY) _____

Please check the appropriate assignee category or categories (will not be printed on the patent) : Individual Corporation or other private group entity Government

<p>4a. The following fee(s) are submitted:</p> <p><input type="checkbox"/> Issue Fee</p> <p><input type="checkbox"/> Publication Fee (No small entity discount permitted)</p> <p><input type="checkbox"/> Advance Order - # of Copies _____</p>	<p>4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)</p> <p><input type="checkbox"/> A check is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input type="checkbox"/> The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).</p>
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5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
10/851,663 05/24/2004 John W. McElroy 130733.0104 1154

27557 7590 02/27/2012
BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

EXAMINER
ANDERSON, FOLASHADE

ART UNIT 3623
PAPER NUMBER

DATE MAILED: 02/27/2012

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1814 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1814 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability

Application No.

10/851,663

Examiner

FOLASHADE ANDERSON

Applicant(s)

MCELROY ET AL.

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. This communication is responsive to 02/16/2012.
- 2. An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 3. The allowed claim(s) is/are 1-14,16-18 and 20-22.
- 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____ .
 - 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has **THREE MONTHS FROM THE "MAILING DATE"** of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in **ABANDONMENT** of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- 5. A **SUBSTITUTE OATH OR DECLARATION** must be submitted. Note the attached **EXAMINER'S AMENDMENT** or **NOTICE OF INFORMAL PATENT APPLICATION (PTO-152)** which gives reason(s) why the oath or declaration is deficient.
 - 6. **CORRECTED DRAWINGS** (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
- 7. **DEPOSIT OF and/or INFORMATION** about the deposit of **BIOLOGICAL MATERIAL** must be submitted. Note the attached Examiner's comment regarding **REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL**.

Attachment(s)

- 1. Notice of References Cited (PTO-892)
- 2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
- 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5. Notice of Informal Patent Application
- 6. Interview Summary (PTO-413), Paper No./Mail Date _____ .
- 7. Examiner's Amendment/Comment
- 8. Examiner's Statement of Reasons for Allowance
- 9. Other _____.

/Folashade Anderson/
Examiner, Art Unit 3623

/BETH V BOSWELL/
Supervisory Patent Examiner, Art Unit 3623

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-14, 16-18 and 20-22 are allowed.
2. The Claims are allowed based on the reasoning explained in the Board of Patent Appeals and Interferences' decision mailed 01/20/2012.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOLASHADE ANDERSON whose telephone number is (571)270-3331. The examiner can normally be reached on Monday through Thursday 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Folashade Anderson/
Examiner, Art Unit 3623

/BETH V BOSWELL/
Supervisory Patent Examiner, Art Unit 3623

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	1003	705/7.12.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/02/22 20:29
L2	369	717/102.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/02/22 20:30
L3	897	700/100.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/02/22 20:30
L4	0	I1 and I2 and I3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/02/22 20:30
L5	30	I3 and I1	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/02/22 20:30
L6	120	((schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with (status or update)) and (real near2 time)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2012/02/22 20:34
L7	3	L6 and (I1 I2 I3)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2012/02/22 20:34
L8	3107	((schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order))	US-PGPUB; USPAT; EPO;	OR	ON	2012/02/22 20:34

			DERWENT			
L9	138	L8 and (l1 l2 l3)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2012/02/22 20:34
L10	374	(mcelroy-j\$ mcelroy-s\$ samsel-k\$).in.	US-PGPUB; USPAT; USOCR	OR	ON	2012/02/22 20:36
L11	374	L10	US-PGPUB; USPAT; USOCR	OR	ON	2012/02/22 20:36
L12	0	L11 and (l1 l2 l3)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2012/02/22 20:36
L13	26	(p near2 ro).as.	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2012/02/22 20:36
L14	0	(P&Ro adj solution).as.	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2012/02/22 20:36
L15	0	l13 and l10	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2012/02/22 20:37
S1	32	"20020111842" "20020007297" "20020010615" "20020049563" "20020143601" "20020161674" "20030041087" ("5787000" "5835898" "5970437" "6006171" "6421571").pn. "9905684"	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/17 10:54
S2	2	("20020174000" | "20030171970").PN. OR ("7421372").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:25
S3	158	(planning and scheduling).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:30
S4	6	EPRI solution	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:31
S5	0	(work with week) and (job with schedule) and (unschedule with job) and ((short or emergency or corrective or outage) with notice) and (work adj order)	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:33
S6	108	(preventative with maintenance).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:47
S7	282	(mcelroy-j\$ mcelroy-s\$ samsel-k\$).in.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:49
S8	0	(work with week) and (job with schedule) and (unschedule with job)and (work adj order)	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 12:28
S9	0	S7 and S3	US-PGPUB; USPAT;	OR	ON	2008/09/18 12:31

			USOCR			
S10	0	(job with schedule) and (unschedule with job)and (work adj order)	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 13:14
S11	158	(planning and scheduling).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:51
S12	282	(mcelroy-j\$ mcelroy-s\$ samsel-k\$.in.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:51
S13	0	S11 and S12	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/19 16:51
S14	6	EPRI solution	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:52
S15	6	S14	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/19 16:52
S16	0	(job with schedule) and (unschedule with job)and (work adj order)	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:52
S17	0	S16	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/19 16:52
S18	108	(preventative with maintenance).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:52
S19	0	S12 and S18	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/19 16:52
S20	208	(planning and scheduling) and (preventative with maintenance)	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:53
S21	3	S20 and S12	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:53
S22	655	(planning and scheduling).ab.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:54
S23	472	(mcelroy-j\$ mcelroy-s\$ samsel-k\$.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:54
S24	0	S23 and S22	US-PGPUB; USPAT; USOCR;	OR	ON	2008/09/19 16:54

			FPRS; EPO; JPO; DERWENT; IBM_TDB			
S25	0	(job with schedule) and (unschedule with job) and (work near2 order)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:54
S26	0	((production or maintenance or job) with schedule) and (unschedule with job) and (work near2 order)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:55
S27	10573	(production or maintenance or job) with schedule	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:55
S28	0	S12 and S27	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:55
S29	56409	((job or work or task) near2 (request or order))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:57
S30	1097	S27 and S29 and display and interface	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:58
S31	273	S27 and S29 and display and interface and "705".clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:58
S32	1049	(planning and scheduling) near3 system	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:59
S33	41	S31 and S32	US-PGPUB;	OR	ON	2008/09/19

			USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			16:59
S34	424	(schedul\$4 with (job order task assignment)) and (unschedul\$4 with (job order task assignment))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:04
S35	46	S34 and S32	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:04
S36	6	S34 and S32 and (drag near2 drop)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:05
S37	12	("5231567" | "5559708" | "5657453" | "5960164" | "5982996" | "5991783" | "6036345" | "6067406" | "6167382" | "6247507" | "6415196" | "6611727").PN. OR ("7225040").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 17:10
S38	113	S27 and S29 and display and interface and (drag near2 drop)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:14
S39	9	S27 and S29 and display and interface and (drag near2 drop) and S34	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:14
S40	4	S39 not S36	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:15
S41	110	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:47
S42	81	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order) and display	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:48

S43	29	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order) and display and (un\$schedul\$4 or schedul\$4)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:49
S44	29	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order)) and display and (un\$schedul\$4 or schedul\$4)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:52
S45	110	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:53
S46	11	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order)) and "705".clas.	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:53
S47	12	((color\$4 shad\$4) with (indicat\$5 or status)) same ((service or work) near2 order)) and "705".clas.	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:55
S48	3	S47 not S46	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 23:01
S49	58	((color\$4 shad\$4) with (indicat\$5 or status)) same (work near2 order)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/21 23:02
S50	90	((color\$4 shad\$4) with (indicat\$5 or status)) same ((work or service) near2 order)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/21 23:03
S51	92	((color\$4 shad\$4) with (indicat\$5 or status)) same ((work or service) near2 (notice or order))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/21 23:03
S52	24642	((production or maintence or job or service) with schedule)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/22 10:47
S53	30	((production or maintence or job or service) with schedule) same ((color\$4 shad\$4) with (status update mark))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/22 10:48
S54	24	("20020095385" | "20040143450" |	US-PGPUB;	OR	ON	2008/09/22

		"20040167798" | "3736409" | "4870576" | "5032989" | "5182705" | "5222209" | "5490097" | "5548506" | "5563994" | "5592664" | "5630069" | "5659768" | "5706452" | "5740549" | "5745110" | "5867155" | "5893074" | "5907490" | "5974391" | "5991732" | "6594633" | "6684196").PN. OR ("7353183").URPN.	USPAT; USOCR			11:28
S55	0	("2004/0172314").URPN.	USPAT	OR	ON	2008/09/22 11:31
S56	469	(schedul\$ or calendar\$) same (job or task or project) same ((work or employee) near3 order)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/01 14:48
S57	3	(schedul\$ or calendar\$) same (job or task or project) same ((work or employee) near3 order) same (holiday vaction outage)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/01 14:48
S58	2039	(schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:44
S59	470	(schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:48
S60	404	(schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and display	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:48
S61	300	(schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and (graph\$3 or color\$3 or shad\$4 or gray or grey)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:50
S62	25	(schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and (graph\$3 or color\$3 or shad\$4 or gray or grey) and overload and load	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:50
S63	88	(schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with (status or update))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:51
S64	28	("4459663" | "4646238" | "4796194" |	US-PGPUB;	OR	ON	2008/10/02

		"4827423" | "4864507" | "4866628" | "4887218" | "4888692" | "4924385" | "5040123" | "5172313").PN. OR ("5285392").URPN.	USPAT; USOCR			11:03
S65	81	((schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with (status or update)) and (real near2 time)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 12:32
S66	23	((schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with ((dynamic or (real near2 time)) and (status or update)))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 12:42
S67	130	("3725650" | "4019027" | "4336589" | "4547851" | "4591983" | "4646238" | "4700318").PN. OR ("4937743").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2008/10/02 12:47
S68	0	((schedul\$4 or calendar\$4) same ((work near2 order) and (schedul\$ or appointment or plan\$5) and unschedul\$ and (emergency outage backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with ((dynamic or (real near2 time)) and (status or update)))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 12:53
S69	0	((schedul\$4 or calendar\$4) same ((work near2 order) and (schedul\$ or appointment or plan\$5) and (emergency and outage and backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with ((dynamic or (real near2 time)) and (status or update)))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 12:53
S70	23	(gantt near3 chart) same schedule same (color shad\$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:27
S71	16	(gantt near3 chart) same schedule same (color shad\$4) and (critical short or emergency)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:30
S72	11	(gantt near3 chart) same schedule same (color shad\$4) and (short or emergency)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:30
S73	3	(gantt near3 chart) same schedule same	US-PGPUB;	OR	ON	2008/10/27

		(color shad\$4) and (emergency or rush or hurry)	USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			10:34
S74	5	(gantt near3 chart) same schedule same (color shad\$4) and (unschedul\$)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:36
S75	0	(overload\$ overburden inundate) same schedule same (color shad\$4) and (emergency or rush or hurry)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:46
S76	16	(overload\$ overburden inundate) same schedule same (reasource worker student employee labor)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:46
S77	19	(overload\$ overburden\$ inundat\$3) same schedule same (reasource worker student employee labor)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:47
S78	7	(overload\$ overburden\$ inundat\$3) with (reasource worker student employee labor) same schedule	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:49
S79	3	"7210119".pn.	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/27 11:02
S80	172	(planning and scheduling).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2009/04/13 09:56
S81	60161	((job or work or task) near2 (request or order))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 09:56
S82	1794	baselin\$ and (S80 or S81)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2009/04/13 09:56
S83	295	(mcelroy-j\$ mcelroy-s\$ samsel-k\$).in.	US-PGPUB;	OR	ON	2009/04/13

			USPAT; USOCR			09:56
S84	0	baselin\$ and (S80 or S81) and S83	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2009/04/13 09:56

EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L16	0	(p near2 ro).as.	USPAT; UPAD	OR	ON	2012/02/22 20:40
L17	218	(mcelroy-j\$ mcelroy-s\$ samsel-k\$).in.	USPAT; UPAD	OR	ON	2012/02/22 20:40
L18	426	705/7.12.ccls.	USPAT; UPAD	OR	OFF	2012/02/22 20:40
L19	225	717/102.ccls.	USPAT; UPAD	OR	OFF	2012/02/22 20:40
L20	601	700/100.ccls.	USPAT; UPAD	OR	OFF	2012/02/22 20:40
L21	0	l17 and (l18 l19 l20)	USPAT; UPAD	OR	OFF	2012/02/22 20:41
L22	0	l17 and l19 and display and interface and (drag near2 drop)	USPAT; UPAD	OR	ON	2012/02/22 20:41
L23	43	(schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with (status or update)) and (real near2 time)	USPAT; UPAD	OR	ON	2012/02/22 20:42
L24	2	l23 and (l18 l19 l20)	USPAT; UPAD	OR	OFF	2012/02/22 20:42
L25	301	(schedul\$4 with (job order task assignment)) and (unschedul\$4 with (job order task assignment))	USPAT; UPAD	OR	ON	2012/02/22 20:44
L26	15	(plan\$5 with schedul\$5 with ((graphical network user) near2 interface)).clm.	USPAT; UPAD	OR	ON	2012/02/22 20:45
L27	211	(plan\$5 with schedul\$5 with (comput\$5 procesor\$4)).clm.	USPAT; UPAD	OR	ON	2012/02/22 20:47
L28	33	(plan\$5 with schedul\$5 with (week day month)).clm.	USPAT; UPAD	OR	ON	2012/02/22 20:47
L29	142	(plan\$5 with schedul\$5 with (schedul\$5 with (job event task))).clm.	USPAT; UPAD	OR	ON	2012/02/22 20:48
L30	3	(plan\$5 with schedul\$5 with (unschedul\$5 with (job event task))).clm.	USPAT; UPAD	OR	ON	2012/02/22 20:49
L31	7	(plan\$5 with schedul\$5 with (short near3 notice outage)).clm.	USPAT; UPAD	OR	ON	2012/02/22 20:51
L32	1	(plan\$5 with schedul\$5 with (short near3 notice near3outage)).clm.	USPAT; UPAD	OR	ON	2012/02/22 20:51
L33	1	(plan\$5 with schedul\$5 with (short near3 notice near3 outage)).clm.	USPAT; UPAD	OR	ON	2012/02/22 20:51
L34	9	(plan\$5 with schedul\$5 with (work near3 order)).clm.	USPAT; UPAD	OR	ON	2012/02/22 20:52
L35	476	(simultaneous\$ with (schedul\$4 unschedul\$4)	USPAT;	OR	ON	2012/02/22

		).clm.	UPAD			20:52
L36	62	(simultaneous\$ with (schedul\$4 unschedul\$4) with (display\$4 show\$4)).clm.	USPAT; UPAD	OR	ON	2012/02/22 20:53
L37	1	(simultaneous\$ with (schedul\$4 and unschedul\$4) with (display\$4 show\$4)).clm.	USPAT; UPAD	OR	ON	2012/02/22 20:53
L38	0	(drag with drop with (work near3 order)).clm.	USPAT; UPAD	OR	ON	2012/02/22 20:54
L39	2	(overload with (work near3 order)).clm.	USPAT; UPAD	OR	ON	2012/02/22 20:55
L40	14	(overload\$ overburden\$ inundat\$3) same schedule same (reasure worker student employee labor)	USPAT; UPAD	OR	ON	2012/02/22 20:55
L41	1	((overload\$ overburden\$ inundat\$3) with (work near3 group)).clm.	USPAT; UPAD	OR	ON	2012/02/22 20:56

2/ 22/ 2012 8:57:39 PM

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Search History Wed Feb 22 20:23:57 CST 2012

Set #	Hits	Query	Databases(s)
L1	0	(work with week) and (job with schedule) and (unschedule with job) and ((short or emergency or corrective or outage) with notice) and (work adj order)	Core AB1 0 Sub7AB 0
L2	0	(work with week) and (job with schedule) and (unschedule with job)and (work adj order)	Core AB1 0 Sub7AB 0
L3	0	EPRIsolution	Core AB1 0 Sub7AB 0
L4	16	(planning WITH scheduling) and (preventative with maintenance)	Core AB1 8 Sub7AB 8
L5	43	(schedul\$4 with (job order task assignment)) and (unschedul\$4 with (job order task assignment))	Core AB1 23 Sub7AB 20
L6	11	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order)	Core AB1 8 Sub7AB 3
L7	82	(schedul\$ or calendar\$) same (job or task or project) same ((work or employee) near3 order)	Core AB1 41 Sub7AB 41
L8	2	((overload\$ overburden\$ inundat\$3) with (work near3 group))	Core AB1 0 Sub7AB 2
L9	1	(simultaneous\$ with (schedul\$4 and unschedul\$4) with (display\$4 show\$4))	Core AB1 1 Sub7AB 0
L10	153	(plan\$5 with schedul\$5 with ((graphical network user) near2 interface))	Core AB1 97 Sub7AB 56

LegendCore AB1

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 Wilson Applied Science & Technology Abstracts, File 99 (Abstracts from 1983 - present)


Sub7AB

NTIS - National Technical Information Service, File 6 (1964 - present)
 Ei Compendex, File 8 (1884 - present)
 Social SciSearch, File 7 (1972 - present)
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2010-08-18	
2010-09-15	
2011-01-17	
2011-01-18	
2011-01-24	
2011-03-12	
2011-05-07	
2011-06-06	
2011-07-14	
2011-09-10	
2012-01-28	
2012-02-22	

Index of Claims 	Application/Control No. 10851663	Applicant(s)/Patent Under Reexamination MCELROY ET AL.
	Examiner FOLASHADE ANDERSON	Art Unit 3623

✓	Rejected
=	Allowed


-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	10/27/2008	03/08/2010	02/22/2012					
1	1	✓	✓	=					
2	2	✓	✓	=					
3	3	✓	✓	=					
4	4	✓	✓	=					
5	5	✓	✓	=					
6	6	✓	✓	=					
8	7	✓	✓	=					
9	8	✓	✓	=					
10	9	✓	✓	=					
11	10	✓	✓	=					
7	11		✓	=					
12	12		✓	=					
13	13		✓	=					
14	14		✓	=					
	15		✓	-					
15	16		✓	=					
16	17		✓	=					
17	18		✓	=					
	19		✓	-					
18	20		✓	=					
19	21		✓	=					
20	22		✓	=					
	23		✓	-					

Search Notes 	Application/Control No. 10851663	Applicant(s)/Patent Under Reexamination MCELROY ET AL.
	Examiner FOLASHADE ANDERSON	Art Unit 3623

SEARCHED			
Class	Subclass	Date	Examiner
705	7.12	02/22/2012	FA
717	102	02/22/2012	FA
700	100	02/22/2012	FA

SEARCH NOTES		
Search Notes	Date	Examiner
EAST	02/22/2012	FAOA
Dialog	02/22/2012	FAOA

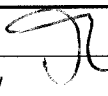
INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
705	7.12	02/22/2012	FA
700	100	02/22/2012	FA
717	102	02/22/2012	FA

/FOLASHADE ANDERSON/ Examiner.Art Unit 3623	
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<h1>TRANSMITTAL FORM</h1> <p><i>(to be used for all correspondence after initial filing)</i></p>	Application Number	10/851,663-Conf. #1154
	Filing Date	May 24, 2004
	First Named Inventor	John W. MCELROY
	Art Unit	3623
	Examiner Name	F. Anderson
Total Number of Pages in This Submission	Attorney Docket Number	130733.0104

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	BLANK ROME LLP 		
Signature	/David J. Edmondson/		
Printed name	David J. Edmondson		
Date	February 16, 2012	Reg. No.	35,126

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with 37 CFR § 1.6(a)(4).	
Dated: February 16, 2012	Electronic Signature for David J. Edmondson: /david j. edmondson/

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Dated: February 16, 2012
Electronic Signature for David J. Edmondson: /david.j.edmondson/

Docket No.: 130733.0104
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

John W. MCELROY et al.

Appeal No. 2010-008072

Application No.: 10/851,663

Confirmation No.: 1154

Filed: May 24, 2004

Art Unit: 3623

For: PLANNING AND SCHEDULING TOOL
ASSISTANT

Examiner: F. Anderson

AMENDMENT AFTER DECISION ON APPEAL

Mail Stop BPAI
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The present Response is filed in response to the Board's Decision on Appeal mailed January 20, 2012.

Amendments to the Claims begin on page 2 of this document.

Remarks begin on page 5 of this document.

IN THE CLAIMS:

Please amend the claims as follows:

1. (Previously Presented) A planning and scheduling system running on a computing device, the system comprising:

a user interface; and

a computing device in communication with said user interface, said computing device being programmed to implement:

work week sections;

a scheduled job section;

an unscheduled job section;

a short notice outage section;

a planned outage section; and

work orders, wherein the work orders can be moved from one work week section to another work week section, from unscheduled to scheduled, to short notice outage, to planned outage, and to backlog, by dragging and dropping the work orders using said user interface.

2. (Original) The system of claim 1, wherein the scheduled job section and unscheduled job section are simultaneously displayed to a user.

3. (Original) The system of claim 1, wherein when work orders are dropped into a work week section, real time indication of resource loading is determined.

4. (Previously Presented) The system of claim 3, wherein the resource loading is determined based on whether a work group has been over loaded overloaded with too much work.

5. (Previously Presented) The system of claim 1, wherein the computing device is programmed to implement color coding, and wherein said color coding indicates the status of planning the work order.
6. (Previously Presented) The system of claim 5, wherein the status includes whether the work order is complete and ready to work.
7. (Previously Presented) The system of claim 1, wherein the system runs on computing device is a networked computer in communication with a database server.
8. (Previously Presented) The system of claim 1, further comprising a wherein said computing device is programmed to control said user interface for displaying the work week sections, scheduled job section, unscheduled job section, short notice outage, planned outage, and work orders.
9. (Previously Presented) The system of claim 1, wherein the system computing device is programmed to be used for scheduling and planning.
10. (Original) The system of claim 1, further comprising a management control for executing the work week sections.
11. (Original) The system of claim 5, wherein user defined rules control the color coding.
12. (Original) The system of claim 1, wherein the sections are user configurable to display data that the user requires in a manner permitting the user to accomplish planning and scheduling.
13. (Original) The system of claim 12, wherein the sections are user configurable through user configurations that are made available to all other users.

14. (Original) The system of claim 1, wherein the work orders can be inserted into a time disconnected work week schedule preparatory to being assigned to a fixed schedule when an opportunity occurs.

15. (Cancelled)

16. (Original) The system of claim 1, wherein the computing device is programmed to allow users to print contents utilizing filters on the work order data.

17. (Original) The system of claim 1, wherein a display is provided for a supervisor of the work executing resources for managing the work week.

18. (Original) The system of claim 17, wherein a section is provided for the assignment of specific resources to each work order scheduled for that work week on a specific day and time.

19. (Cancelled)

20. (Original) The system of claim 17, wherein a section is provided to track emergent work occurring during the work week that was unknown prior to schedule lock down, and wherein the emergent work includes sponsored and emergency work.

21. (Original) The system of claim 17, wherein performance indicators and metrics are calculated and trended for interpretation of the success of the execution of the work week.

22. (Original) The system of claim 17, wherein all unavailable resource time is identified whether personnel vacation, holiday, sick, training, etc. or equipment resource unavailability.

23. (Cancelled)

REMARKS**I. Introduction**

The Decision on Appeal mailed January 20, 2012, has been carefully considered. In response thereto, the present application has been amended in a manner that is considered to place it into condition for allowance. Accordingly, reconsideration and withdrawal of the Final Rejection from which appeal was taken and issuance of a Notice of Allowance are earnestly solicited in view of the foregoing amendments and the following remarks.

II. Status of the Claims

Claims 1-23 were presented for appeal. Claims 15, 19 and 23 are canceled in the present Amendment. The Appellants respectfully submit that no new matter has been added.

III. Summary of the Decision

In the Decision, the rejection of Claims 15, 19 and 23 was affirmed, and the rejection of Claims 1-14, 16-18 and 20-22 was reversed.

IV. Rejection

The sole ground of rejection that was affirmed was that of Claims 15, 19 and 23 under 35 U.S.C. § 112, first paragraph. The cancellation of those claims renders that ground of rejection moot.

V. Conclusion

In light of the foregoing amendments and remarks, the Appellants respectfully submit that the present application is in condition for allowance. Notice of such allowance is earnestly solicited.

If any issues remain that can be overcome most easily through a telephone communication, the Examiner is invited to telephone the undersigned at the telephone number associated with the customer number set forth below.

Please charge any deficiency in fees, or credit any overpayment thereof, to our Deposit Account No. 23-2185, under Order No. 130733.0104 from which the undersigned is authorized to draw.

Dated: February 16, 2012

Respectfully submitted,



Electronic signature: /David J. Edmondson/
David J. Edmondson

Registration No.: 35,126

BLANK ROME LLP

Correspondence Customer Number: 27557

Attorney for Appellants

Electronic Acknowledgement Receipt

EFS ID:	12091281
Application Number:	10851663
International Application Number:	
Confirmation Number:	1154
Title of Invention:	Planning and scheduling tool assistant
First Named Inventor/Applicant Name:	John W. McElroy
Customer Number:	27557
Filer:	Michael C. Greenbaum/Frances Purnell
Filer Authorized By:	Michael C. Greenbaum
Attorney Docket Number:	130733.0104
Receipt Date:	16-FEB-2012
Filing Date:	24-MAY-2004
Time Stamp:	12:34:28
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Argument after Notice of Appeal	13073300104AMENDMT.pdf	264875 <small>1e14be2cc07bd1535bd2c3037124d320b956eca1</small>	no	7

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 10/851,663	Filing Date 05/24/2004	<input type="checkbox"/> To be Mailed
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APPLICATION AS FILED – PART I			OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	SMALL ENTITY <input checked="" type="checkbox"/>	OR			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A		OR	N/A	
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (j), or (m))</small>	N/A	N/A	N/A		OR	N/A	
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A		OR	N/A	
TOTAL CLAIMS <small>(37 CFR 1.16(j))</small>	minus 20 =	*	X \$ =		OR	X \$ =	
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*	X \$ =		OR	X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).				OR		
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>					OR		
			TOTAL		OR	TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2.

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR			
AMENDMENT	02/16/2012	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 20	Minus	** 23	=	0	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 1	Minus	***1	=	0	OR	X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))						OR		
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						OR		
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

	(Column 1)	(Column 2)	(Column 3)						
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=		OR	X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		OR	X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))						OR		
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
 /CASSANDRA B. DOWNS/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.

10/851,663 05/24/2004 John W. McElroy 130733.0104 1154

27557 7590 01/20/2012

BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

Table with 1 column: EXAMINER

ANDERSON, FOLASHADE

Table with 2 columns: ART UNIT, PAPER NUMBER

3623

Table with 2 columns: MAIL DATE, DELIVERY MODE

01/20/2012 PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2
3
4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES
6

7
8 *Ex parte* JOHN W. MCELROY, SEAN O. MCELROY,
9 and KIRK SAMSEL
10

11
12 Appeal 2010-008072
13 Application 10/851,663
14 Technology Center 3600
15

16
17
18 Before MURRIEL E. CRAWFORD, ANTON W. FETTING, and
19 BIBHU R. MOHANTY, *Administrative Patent Judges*.

20 FETTING, *Administrative Patent Judge*.

21 DECISION ON APPEAL

1 STATEMENT OF THE CASE¹

2 John W. McElroy, Sean O. McElroy, and Kirk Samsel (Appellants) seek
3 review under 35 U.S.C. § 134 (2002) of a final rejection of claims 1-23, the
4 only claims pending in the application on appeal. We have jurisdiction over
5 the appeal pursuant to 35 U.S.C. § 6(b) (2002).

6 The Appellants invented a computerized planning and scheduling system
7 for increasing efficiency in industrial environments (Specification 1:7-8).

8 An understanding of the invention can be derived from a reading of
9 exemplary claim 1, which is reproduced below [bracketed matter and some
10 paragraphing added].

- 11 1. A planning and scheduling system, the system comprising:
12 [1] a user interface;
13 and
14 [2] a computing device in communication with said user
15 interface,
16 said computing device being programmed to implement:
17 work week sections;
18 a scheduled job section;
19 an unscheduled job section;
20 a short notice outage section;
21 a planned outage section;
22 and

¹ Our decision will make reference to the Appellants' Appeal Brief ("App. Br.," filed January 7, 2010) and Reply Brief ("Reply Br.," filed May 17, 2010), and the Examiner's Answer ("Ans.," mailed March 16, 2010).

1 work orders,
2 wherein the work orders can be moved
3 from one work week section to another work
4 week section,
5 from unscheduled to scheduled,
6 to short notice outage,
7 to planned outage,
8 and
9 to backlog,
10 by dragging and dropping the work orders using
11 said user interface.

12 The Examiner relies upon the following prior art:

Pothos US 7,210,119 B2 Apr. 24, 2007

Eller US 7,225,040 B2 May 29, 2007

13 Chatfield, Carl, and Timothy Johnson. *Step by Step Microsoft Office*
14 *Project 2003*. Microsoft P, 2003.

15 Claims 15, 19, and 23 stand rejected under 35 U.S.C. § 112, first
16 paragraph, as lacking a supporting written description within the original
17 disclosure.

18 Claim 14 stands rejected under 35 U.S.C. § 112, second paragraph,
19 as failing to particularly point out and distinctly claim the invention.

20 Claims 1-10, 12, 14, 16-19, and 22 stand rejected under 35 U.S.C.
21 § 103(a) as unpatentable over Eller and Pothos.

22 Claims 11, 13, 15, 20, 21, and 23 stand rejected under 35 U.S.C.
23 § 103(a) as unpatentable over Eller, Pothos, and Chatfield.

ISSUES

The issues of written description turn on whether the originally filed Specification supports claims 15 and 19 added by amendment after filing.

The issue of indefiniteness turns on whether the Appellants adequately explained how to grammatically construe claim 14.

The issues of obviousness turn primarily on the construction of the phrase “short notice outage” and whether Pothos describes such.

FACTS PERTINENT TO THE ISSUES

The following enumerated Findings of Fact (FF) are believed to be supported by a preponderance of the evidence.

Facts Related to Appellants' Disclosure

01. Industrial Assets, such as plant equipment or major equipment, require maintenance from time to time to repair broken components, perform preventive tasks to minimize failures, and to replace worn out equipment.

02. PaSTA (planning and scheduling tool assistant) is also designed to throttle the very inefficient and ineffective "sponsored" work that enters the work schedule at the last minute and enters with no planning of the work completed. Specification 3:20-22.

03. (The present invention offers the following features:)

3. Throttle control of sponsored work, which is the highly disruptive work created and entered into a completely planned week of work (i.e., actually sponsored into getting done by somebody at the site requesting it get done now). This is very

1 inefficient work for resources to be dedicated to and must be
2 minimized. The assistant tracks and throttles those events by
3 immediately flagging them, holding the organization accountable
4 to it, and generates a real time key performance indicator.

5 Specification 5:1-6.

6 04. First choose the crew, unit or system from the drop down list,
7 located on the top left side of the screen; Then filter by: All,
8 current crew or date initiated, located top right side, left drop
9 down; Then, if desired, sub filter by: All, Planner Assigned and
10 Ready, Planner Assigned and Not Ready, No Planner Assigned
11 or Status C (complete). Specification 15:4-8.

12 *Facts Related to the Prior Art*

13 *Pothos*

14 05. Pothos is directed to scheduling tasks to be performed by
15 a plurality of resources, for example tasks carried out by field
16 engineers on a telecommunications system that extends over
17 a wide area such as a country or state. Pothos 1:12-15.

18 06. An operator a workstation can determine how best to deal
19 with unscheduled tasks e.g. in an emergency situation, in
20 which an engineer needs immediately to be dispatched to
21 deal with the unscheduled task, and can manually override the
22 schedules provided by the work manager server. Pothos 9:43-49.

ANALYSIS

1
2 *Claims 15, 19, and 23 rejected under 35 U.S.C. § 112, first paragraph,*
3 *as lacking a supporting written description within the original disclosure.*

4 Claims 15 and 23 recite that the claim 1 schedules can be locked, one
5 lock for planning purposes and one lock for scheduling, and wherein the
6 locked schedule serves as a baseline for performance measurements on how
7 well the work week was executed. Claim 19 recites that specific resources,
8 personnel and equipment, can be applied to a given work order on a given
9 day by dragging and dropping a resource from a resource palette onto the
10 scheduled day/time the work is to be performed.

11 None of these claims were in the application as originally filed. The
12 Examiner found no support for these claims in the Specification, and so
13 concluded they represented new matter. Ans. 3-4.

14 The Appellants contend that claims 15 and 23 find support in the
15 originally filed disclosure on page 3, lines 20-22 and page 5, lines 1-6
16 (throttling and throttle control, i.e., locking). They also contend that claim
17 19 finds support in the originally filed disclosure on page 15, lines 4-8.
18 Appeal Br. 7.

19 As to claims 15 and 23, the Appellants do not dispute that the words
20 lock and locked in these claims are not used in the Specification. Instead,
21 the portions of the Specification referred to by the Appellants refer to
22 “throttle.” The Appellants argue that the words in the claim must be
23 interpreted as by one of ordinary skill in the art. Reply Br. 2. Such an
24 argument is not evidence and does not provide an adequate showing that

1 the claims find support in the originally filed disclosure. We agree with
2 the Examiner's findings. FF 02 and 03.

3 As to claim 19, the Appellants argue that the Examiner misquoted the
4 claim. Reply Br. 2. While we agree that the language the Examiner quoted
5 at Answer 17 is not part of claim 19, this is instead a clear clerical error as it
6 is instead a portion of claim 15. The Examiner apparently did not clear the
7 cut and paste buffer when copying the claim language. The Appellants do
8 not show how their cited portion of the Specification supports claim 19. We
9 find no way that it can be shown. FF 04.

10 *Claim 14 rejected under 35 U.S.C. § 112, second paragraph, as failing to*
11 *particularly point out and distinctly claim the invention.*

12 We are persuaded by the Appellants' explanation of what is to be bound
13 by "a time disconnected work week schedule preparatory," which is the
14 portion of the claim the Examiner found indefinite. Ans. 17-18; Reply Br. 3.

15 *Claims 1-10, 12, 14, 16-19, and 22 rejected under 35 U.S.C. § 103(a) as*
16 *unpatentable over Eller and Pothos.*

17 We are persuaded by the Appellants' arguments that the art fails to
18 describe a short notice output section. Appeal Br. 8-9.

19 Claim 1 is the sole independent claim. It recites as part of its structure
20 "a short notice outage section." The Examiner interpreted this as follows.

21 The claimed limitation in light of the specification is interpreted
22 to mean an event or activity added to the schedule with little
23 notice, where short is T (0) i.e. 0 minutes, hours, days, etc.,
24 which is consistent with examples given in the specification
25 "training, meetings, emergency vacation, etc."

1 Answer 19. Unless the Appellants act as their own lexicographer,
2 we construe a claim according to its ordinary and customary meaning.

3 [C]laims . . . are to be given their broadest reasonable
4 interpretation consistent with the specification, and . . . claim
5 language should be read in light of the specification as it would
6 be interpreted by one of ordinary skill in the art.

7 In re Am. Acad. of Sci. Tech. Ctr., 367 F.3d 1359, 1364 (Fed. Cir.
8 2004) (quotation omitted).

9 The Specification is clearly to be interpreted according to those in the
10 maintenance arts. The very first sentence in the Description of Related
11 Art section states that the disclosure is related to maintenance of industrial
12 assets. FF 01.

13 Short notice outage work (aka SNOW) is not defined in the
14 Specification, but is a term of art in the maintenance arts. That is, it has a
15 customary meaning to one of ordinary skill apart from what others might
16 take to be its plain meaning. It refers to planned outages of short duration
17 for the purpose of performing maintenance.² Thus, since short notice outage
18 work is planned, the Examiner's interpretation of "an event or activity added
19 to the schedule with little notice" fits within the customary meaning, but is
20 overly broad. More to the point, the portion of Pothos the Examiner cites

² See e.g. Doc Palmer, *Maintenance Planning and Scheduling Handbook*, ISBN 0-07-048264-0, 1999, p. 6.50
http://books.google.com/books?id=aOYcQtGK4SYC&pg=SA6-PA50&lpg=SA6-PA50&dq=%22short+notice+outage%22&source=bl&ots=05WVvqxIUL&sig=R3SDK_dki-AWQjZdGfIJ6pJ6or0&hl=en&ei=3v1UTq_8LoPw0gG8xICmAg&sa=X&oi

1 refers to “unscheduled tasks” which is the antithesis of the planned nature of
2 short notice outage work.

3 CONCLUSIONS OF LAW

4 The rejection of claims 15, 19, and 23 under 35 U.S.C. § 112, first
5 paragraph, as lacking a supporting written description within the original
6 disclosure is proper.

7 The rejection of claim 14 under 35 U.S.C. § 112, second paragraph,
8 as failing to particularly point out and distinctly claim the invention is
9 improper.

10 The rejection of claims 1-10, 12, 14, 16-19, and 22 under 35 U.S.C.
11 § 103(a) as unpatentable over Eller and Pothos is improper.

12 The rejection of claims 11, 13, 15, 20, 21, and 23 under 35 U.S.C.
13 § 103(a) as unpatentable over Eller, Pothos, and Chatfield is improper.

14 DECISION

15 The rejection of claims 15, 19, and 23 is affirmed.

16 The rejection of claims 1-14, 16-18, and 20-22 is reversed.

17 No time period for taking any subsequent action in connection with
18 this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R.
19 § 1.136(a)(1)(iv) (2007).

20

=book_result&ct=result&resnum=2&ved=0CBwQ6AEwAQ#v=onepage&q
=%22short%20notice%20outage%22&f=false

AFFIRMED-IN-PART

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JRG



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.

10/851,663 05/24/2004 John W. McElroy 130733.0104 1154

27557 7590 05/30/2010

BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

Table with 1 column: EXAMINER

ANDERSON, FOLASHADE

Table with 2 columns: ART UNIT, PAPER NUMBER

3623

Table with 2 columns: MAIL DATE, DELIVERY MODE

05/30/2010 PAPER

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600 NEW HAMPSHIRE
AVENUE, N.W.
WASHINGTON, DC 20037

Appeal No: 2010-008072
Application: 10/851,663
Appellant: John W. McElroy et al.

Board of Patent Appeals and Interferences Docketing Notice

Application 10/851,663 was received from the Technology Center at the Board on May 24, 2010 and has been assigned Appeal No: 2010-008072.

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

BOARD OF PATENT APPEALS AND INTERFERENCES
UNITED STATES PATENT AND TRADEMARK OFFICE
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The facsimile number of the Board is 571-273-0052. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 571-272-9797 and referencing the appeal number listed above.

By order of the Board of Patent Appeals and Interferences.



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BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

EXAMINER

FOLASHADE ANDERSON

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3623 20100518

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Commissioner for Patents

The reply brief filed May 17, 2010 has been entered and considered. The application has been forwarded to the Board of patent Appeals and Interference for decision on the appeal

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOLASHADE ANDERSON whose telephone number is (571)270-3331. The examiner can normally be reached on Monday through Thursday 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000

/Andre Boyce/
Primary Examiner, Art Unit 3623

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: May 17, 2010
Electronic Signature for David J. Edmondson: /david.j.edmondson/

Docket No.: 130733.0104
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John W. MCELROY et al.

Application No.: 10/851,663

Confirmation No.: 1154

Filed: May 24, 2004

Art Unit: 3623

For: PLANNING AND SCHEDULING TOOL
ASSISTANT

Examiner: F. Anderson

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The present Reply Brief is filed in response to the Examiner's Answer mailed March 16, 2010.

At the outset, the Appellants acknowledge with appreciation the withdrawal of the objection to claim 9 under 37 C.F.R. § 1.75(c).

The section of the Examiner's Answer captioned "(10) Response to Argument" begins on page 15 of the Examiner's Answer. The Patent Owner will address each point in that section in turn.

A. Objection to claim 9 under 37 C.F.R. § 1.75(c)

As noted above, the above-captioned ground of rejection has been withdrawn.

B. Rejection under 35 U.S.C. § 112, first paragraph**1. Claims 15 and 23**

The Examiner's Answer argues that the teachings in the originally filed specification relating to throttling do not support the language of present claims 15 and 23 relating to locking. Specifically, the Examiner's Answer asserts that the originally filed specification does not define "throttling" or use it to mean locking and that using "throttling" to mean locking is "contrary to the generally recognized meaning by those of ordinary skill in the art of 'regulating flow.' "

In response, the Appellants respectfully submit that the specification is directed to those skilled in *this particular art*. Therefore, the word "throttling" must be construed from the perspective of one skilled in the art of implementing planning and scheduling systems on computing devices. From this perspective, and in the context of the present invention, equating "throttling" with "regulating flow" does not even make sense, as throttling sponsored work could not mean regulating the flow thereof.

Accordingly, the Appellants respectfully maintain their position that the present claims are supported.

2. Claim 19

Since the Examiner's Answer completely misquotes the language of claim 19, the Appellants respectfully submit that the argument in the Examiner's Answer altogether lacks merit. The portion of the originally filed specification that the Appellants cited to support present claim 19 does not mention locking because present claim 19 does not mention locking. Therefore, the Appellants respectfully maintain their position that present claim 19 is supported.

C. Rejection under 35 U.S.C. § 112, second paragraph

The Examiner's Answer expresses disagreement with the Appellants' argument that "preparatory" should be understood to mean "preparatory to being assigned to a fixed schedule when an opportunity occurs." The Examiner's Answer argues that it is not clear "what is to be bound by 'a time disconnected work week preparatory.' "

In response, the Appellants respectfully submit that "preparatory" in claim 14 should be understood to mean "preparatory to being assigned to a fixed schedule when an opportunity occurs" because that is what the claim recites, word for word. In suggesting otherwise, the Examiner's Answer impermissibly reads out of the claim every word after "preparatory." It is a simple matter of sentence construction that "to being assigned to a fixable schedule when an opportunity occurs" modifies "preparatory."

The Appellants further submit that the proposed claim amendment in the Examiner's Answer is neither necessary for clarity nor grammatically correct.

Therefore, the Appellants respectfully maintain their position that claim 14 is clear.

D. Rejection of claims 1-10, 12, 14, 16-19 and 22 under 35 U.S.C. § 103(a)

For the reasons set forth below, the Appellants respectfully maintain that the present claimed invention would not have been obvious over *Eller et al* in view of *Pothos et al*.

1. Claim 1

The Appellants respectfully disagree with the claim construction set forth in the Examiner's Answer in the first full paragraph of page 19 and specifically with the interpretation of "short notice outage." That paragraph states,

The claimed limitation in light of the specification is interpreted to mean an event or activity added to the schedule with little notice, where short is T (0) i.e. 0 minutes, hours, days, etc., which is consistent with examples given in the specification “training, meetings, emergency vacation, etc.”

In response, the Appellants respectfully submit that that interpretation contradicts both the plain meaning of the claim language and the examples in the specification that the Examiner’s Answer cites in support. The plain meanings of “short notice *outage*” and “short notice *task*” are wholly different. Also, in the context of scheduling jobs, such things as training, meetings, and emergency vacation are not tasks, events, or activities added to the schedule, but instead represent resources to be removed from the schedule.

As an example of the importance of the difference, the Appellants will consider the language from *Pothos et al* quoted in the next paragraph of the Examiner’s Answer. That language concerns an emergency situation in which an engineer needs to be dispatched immediately to deal with an unscheduled task. By contrast, in an example of the operation of the present claimed invention, a short notice outage would be a situation in which the engineer (or other personnel) is unavailable. The two are entirely different, and nothing in the applied prior art would have rendered it obvious to make the leap from the short-notice tasks of *Pothos et al* to the short-notice outages of the present claimed invention.

Nothing in the discussion of *Eller et al* in the Examiner’s Answer overcomes that deficiency.

Since the rejection relies on an erroneous claim construction, the Appellants respectfully submit that the rejection is unfounded and therefore respectfully urge reversal.

2. Claim 2

Claim 2 is patentable by virtue of its dependency from claim 1.

3. Claim 3

Regarding the feature that is supposedly not in the claim, the statement in the Appeal Brief about the unavailability of the component referred to the invention disclosed in *Eller et al*, not to the present claimed invention, as made clear in the next sentence of the paragraph in the Appeal Brief to which the Examiner's Answer refers. Moreover, automatically adjusting a schedule when a laminator is scheduled, as taught in the section of *Eller et al* quoted in the Examiner's Answer, is not the same as determining a real-time indication of resource loading, as in present claim 3. Therefore, the Appellants respectfully submit that even if the rejection of claim 1 is affirmed, the rejection of claim 3 should be reversed.

4. Claim 4

Claim 4 is patentable by virtue of its dependency from claim 3.

5. Claim 5

The Examiner's Answer equates the color coding of different categories of work activities in *Pothos et al* with the color coding indicating the status of planning the work order in the present claimed invention. However, the portion of the reference cited in the Examiner's Answer lacks a specific teaching of what the "[d]ifferent categories of work activity" are. That term certainly does not necessarily mean the same thing as the status of planning the work order, nor is there any reason why a person having ordinary skill in the art would have been led in that direction. The only teaching to that effect comes from the present invention itself. Accordingly, the Appellants

respectfully submit that even if the rejection of claim 1 is affirmed, the rejection of claim 5 should be reversed.

6. Claim 6

Since claim 6 depends from claim 5, the status recited in claim 6 is the status indicated by the color coding in claim 5. The portion of *Pothos et al* cited in the Examiner's Answer does not even hint at any such color coding. Therefore, the Appellants respectfully urge reversal of the rejection of claim 6

7. Claim 7

The Appellants respectfully disagree with the argument set forth in the Examiner's Answer. It is well settled law that advantages not appreciated by the prior art are evidence of non-obviousness. *In re Fine*, 837 F.2d 1071, 1075-76, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). The argument in the Appeal Brief relating to claim 7 identifies just such an advantage.

8. Claim 8

The Appellants respectfully disagree with the argument set forth in the Examiner's Answer. It is well settled law that advantages not appreciated by the prior art are evidence of non-obviousness. *In re Fine, supra*. The argument in the Appeal Brief relating to claim 8 identifies just such an advantage.

9. Claim 9

The Appellants respectfully disagree with the argument set forth in the Examiner's Answer. It is well settled law that advantages not appreciated by the prior art are evidence of non-obviousness. *In re Fine, supra*. The argument in the Appeal Brief relating to claim 9 identifies just such an advantage.

10. Claim 10

The Appellants respectfully disagree with the argument set forth in the Examiner's Answer. It is well settled law that advantages not appreciated by the prior art are evidence of non-obviousness. *In re Fine, supra*. The argument in the Appeal Brief relating to claim 10 identifies just such an advantage.

11. Claim 12

The Appellants respectfully disagree with the argument set forth in the Examiner's Answer. It is well settled law that advantages not appreciated by the prior art are evidence of non-obviousness. *In re Fine, supra*. The argument in the Appeal Brief relating to claim 12 identifies just such an advantage.

12. Claim 14

The Appellants respectfully disagree with the argument set forth in the Examiner's Answer. It is well settled law that advantages not appreciated by the prior art are evidence of non-obviousness. *In re Fine, supra*. The argument in the Appeal Brief relating to claim 14 identifies just such an advantage.

13. Claim 16

The Appellants respectfully reiterate the argument made in the Appeal Brief that *printing contents* using filters on the work order data, as recited in present claim 16, is different from extracting information relating to *process print degree of difficulty*, as taught in *Eller et al*. Indeed, the portion of *Eller et al* quoted in the Examiner's Answer underscores that distinction. Therefore, whether or not extracting data is the same thing as filtering content, the Appellants respectfully urge reversal of the rejection of claim 16.

14. Claim 17

Claim 17 is patentable by virtue of its dependency from claim 1.

15. Claim 18

The Examiner's Answer cites *Eller et al* for the teaching that "data is used to project inventory levels and determine the availability of the packing film..." and equates the packing film of *Eller et al* with the resource of present claim 18. Even so, the mere teaching to determine the availability of a resource is not the same as providing a section for the assignment of specific resources to each work order scheduled for that work week on a specific day and time, as packing film is fungible. Therefore, even if the rejection of claim 17 is affirmed, the Appellants respectfully urge reversal of the rejection of claim 18.

16. Claim 19

The Examiner's Answer does not address the argument set forth in the Appeal Brief with regard to specific resources, personnel, *and* equipment. Indeed, a laminator is not the same as specific resources, personnel, *and* equipment. Therefore, even if the rejection of claim 18 is affirmed, the Appellants respectfully urge reversal of the rejection of claim 19.

17. Claim 22

Again, a short-notice *task* as in *Pothos et al* is not the same as a short-notice *outage* as in the present claimed invention. Therefore, the Appellants respectfully submit that claim 22 is patentable.

E. Rejection of claims 11, 13, 15, 20, 21, and 23 under 35 U.S.C. § 103(a)

For the reasons set forth below, the Appellants respectfully urge reversal of the rejection of claims 11, 13, 15, 20, 21, and 23 under 35 U.S.C. § 103(a) over *Eller et al* in view of *Pothos et al* and further in view of *Chatfield*.

1. Claim 11

The Appellants respectfully disagree with the argument set forth in the Examiner's Answer. It is well settled law that advantages not appreciated by the prior art are evidence of non-obviousness. *In re Fine, supra*. The argument in the Appeal Brief relating to claim 11 identifies just such an advantage.

2. Claim 13

The Examiner's Answer alleges,

It is inherent that if the custom Gantt chart is viewable or selectable from the More View screen then any one using the system may customize their view and make it available to all users.

However, the Examiner's Answer does not explain why that is inherent. Also, in present claim 13, it is not merely a view that is made available to all other users, but user configurations. Therefore, even if the rejection of claim 12 is affirmed, the Appellants respectfully urge reversal of the rejection of claim 13.

3. Claim 15

The mere teaching of a baseline in *Chatfield* is not the same as the use of the locked schedules of present claim 15. Therefore, even if the rejection of claim 1 is affirmed, the Appellants respectfully urge reversal of the rejection of claim 15.

4. Claim 20

The Examiner's Answer does not state where in any of the applied references the limitation regarding sponsored and emergency work may be found. Therefore, even if the rejection of claim 17 is affirmed, the Appellants respectfully urge reversal of the rejection of claim 20.

5. Claim 21

The Examiner's Answer does not state where in any of the applied references the trending may be found. Therefore, even if the rejection of claim 17 is affirmed, the Appellants respectfully urge reversal of the rejection of claim 21.

6. Claim 23

The Appellants respectfully disagree with the manner in which the Examiner's Answer applies *Chatfield* to the claim limitation concerning reasons for deviations. The Examiner's Answer alleges that a missed deadline is a reason for deviation. However, the Appellants respectfully submit that a missed deadline is not a reason for deviation, but instead a result of deviation. Therefore, even if the rejection of claim 15 is affirmed, the Appellants respectfully urge reversal of the rejection of claim 23.

Conclusion

For the reasons set forth above and in the Appeal Brief, the Appellants respectfully urge reversal of all outstanding grounds of rejection.

Please charge any deficiency in fees, or credit any overpayment thereof, to our Deposit Account No. 23-2185, under Order No. 130733.0104 from which the undersigned is authorized to draw.

Dated: May 17, 2010
(May 16 was a Sunday)

Respectfully submitted,

Electronic signature: /David J. Edmondson/
David J. Edmondson
Registration No.: 35,126
BLANK ROME LLP
Correspondence Customer Number: 27557
Attorney for Appellants

Electronic Acknowledgement Receipt

EFS ID:	7625137
Application Number:	10851663
International Application Number:	
Confirmation Number:	1154
Title of Invention:	Planning and scheduling tool assistant
First Named Inventor/Applicant Name:	John W. McElroy
Customer Number:	27557
Filer:	David J. Edmondson/Frances Purnell
Filer Authorized By:	David J. Edmondson
Attorney Docket Number:	130733.0104
Receipt Date:	17-MAY-2010
Filing Date:	24-MAY-2004
Time Stamp:	15:38:52
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	1307330144trans.pdf	28400 <small>7fd329b6f3b5817dd255e617af3039648c3a d150</small>	no	1

Warnings:

Information:

2	Reply Brief Filed	1307330144replybrief.pdf	60118 16eef1a4b3b3960cc69e01885d939afc01ae f7c6	no	11
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New International Application Filed with the USPTO as a Receiving Office

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<h1>TRANSMITTAL FORM</h1> <p><i>(to be used for all correspondence after initial filing)</i></p>	Application Number	10/851,663-Conf. #1154
	Filing Date	May 24, 2004
	First Named Inventor	John W. MCELROY
	Art Unit	3623
	Examiner Name	F. Anderson
Total Number of Pages in This Submission	Attorney Docket Number	130733.0104

ENCLOSURES (Check all that apply)		
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Firm Name	BLANK ROME LLP		
Signature	/david j. edmondson/		
Printed name	David J. Edmondson		
Date	May 17, 2010	Reg. No.	35,126

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Dated: May 17, 2010	Electronic Signature for David J. Edmondson: /david j. edmondson/



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10/851,663 05/24/2004 John W. McElroy 130733.0104 1154

27557 7590 04/12/2010

BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10851663	5/24/2004	MCELROY ET AL.	130733.0104

BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

EXAMINER

FOLASHADE ANDERSON

ART UNIT	PAPER
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3623 20100406

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Commissioner for Patents

In the Examiner's Answer mailed 03/16/2010 on pages 6, 7, 8 the prior art reference Pothos (7,210,119 B2) was inadvertently misspelled Porthos. It should be assumed anywhere in the Answer that Porthos appears the intent was to reference Pothos.

/Andre Boyce/
Primary Examiner, Art Unit 3623



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27557 7590 03/16/2010

BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/851,663
Filing Date: May 24, 2004
Appellant(s): MCELROY ET AL.

David J. Edmondson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/07/2010 appealing from the Office action mailed 04/16/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The claims objection under 37 C.F.R. 1.75 directed towards claim 9.

(8) Evidence Relied Upon

7,225,040	Eller et al	05-2007
7,210,192 B2	Pothos et al.	04-2007

Chatfield, Carl, and Timothy Johnson. Step by Step Microsoft Office Project 2003. Microsoft P, 2003.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 15 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no mention of baseline or any features which allows a user to lock the schedule therefore **wherein the schedules can be locked, one lock for planning purposes and one lock for scheduling, and wherein the locked schedule serves as a baseline for performance measurements on how well the work week was executed**, as recited in claim 15 is new matter not supported by the originally filed specification. Claim 23 depends from claim 15 thus suffers from similar new matter problems.

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3. Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification teaches the dragging and dropping of work orders in to the schedule however it does not provide sufficient support for **wherein specific resources, personnel and equipment, can be applied to a given work order on a given day by dragging and dropping a resource from a resource palette onto the scheduled day/time the work is to be performed**, as recited in claim 19 thus this limitation is new matter not supported by the originally filed specification.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation recites "**wherein the work orders can be inserted into a time disconnected work week schedule preparatory to being assigned to a fixed schedule when an opportunity occurs.**" It is unclear what Applicant intends to encompass as his invention through the use of the phrase "a time

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disconnected work week schedule preparatory." For purposes of examination the limitation is being interpreted to mean and unscheduled work order.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-10, 12, 14, 16-19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eller et al (US 7,225,040 B2) in view of Pothos et al (US Patent 7,210,119 B2).

[Claim 1] Eller discloses **a planning and scheduling system running on a computing device, the system comprising:**

work week sections (Eller col. 14, lines 27-31 and col. 20, lines 23-27);

a scheduled job section (Eller fig. 11C, and col. 34, lines 56-57);

an unscheduled job section (Eller fig. 11C, and col. 34, lines 58-61);

a planned outage section (Eller col. 16, lines 56-59).

work orders, wherein the work orders can be moved from one work week section to another work week section, from unscheduled to scheduled, to short notice outage, to planned outage, and to backlog, by dragging and dropping the work orders (Eller col. 34, lines 64-67; where the click and passing aspects of the disclosure are akin to the very old and well known feature of drag and drop and col. 36, lines 34-40).

Eller teaches the scheduled and unscheduled orders as an all inclusive groups, with no distinctions between subgroups with the groups. Eller therefore is silent on **a short notice outage**.

Porthos et al teaches **a short notice outage section** (col. 9, lines 43-49 where an emergency is the equivalent of a short notice)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller the short notice as taught by Porthos since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 2] Eller teaches **the scheduled job section and unscheduled job sections are simultaneously displayed to a user** (Eller fig. 11C).

[Claim 3] Eller teaches **when work orders are dropped into a work week section, real time indication of resource loading is determined** (Eller col. 36, lines 56-61).

[Claim 4] Eller teaches **wherein the resource loading is determined based on whether a work group has been overloaded with too much work** (col. 32, lines 31-34).

[Claim 5] Eller teaches the **status of planning the work order** (col. 10, line 37-39); however Eller is silent on **color coding**.

Porthos teaches teach **color coding** (col. 6, lines 56-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller the color coding as taught by Porthos since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 6] Eller teaches allowing users to option the status of work orders (col. 10, lines 37-39) while it would be obvious to one of ordinary skill in the art that a status of "complete" to any work orders finished by the system would be a logical update; however Eller is silent on marking the status a complete. Thus Eller does not expressly

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wherein the status includes whether the work order is complete and ready to work.

Pothos teaches **status includes whether the work order is complete and ready to work** (col. 4, lines 22-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller the complete status as taught by Porthos since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 7] Eller teaches **wherein the system runs on a networked computer in communication with a database server** (col. 10, lines 22-31).

[Claim 8] Eller teaches **a user interface for displaying the work week sections, scheduled job section, unscheduled job section, short notice outage, planned outage, and work orders** (col. 38, lines 5-16).

Eller teaches a user interface display. Eller does not expressly teach the specific data recited in claims i.e. the text of the display "**the work week sections, scheduled job section, unscheduled job section, short notice outage, planned outage, and work orders**"; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the

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same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP, 2106.

[Claim 9] Eller teaches **the system is used for scheduling and planning** (col. 2, lines 62-65).

[Claim 10] Eller teaches **a management control for executing the work week sections** (col. 14, line 27-31).

[Claim 12] Eller teaches **wherein the sections are user configurable to display data that the user requires in a manner permitting the user to accomplish planning and scheduling** (Eller fig. 11C, and col. 34, lines 56-57 and lines 58-61).

[Claim 14] Eller teaches **wherein the work orders can be inserted into a time disconnected work week schedule preparatory to being assigned to a fixed schedule when an opportunity occurs** (Eller col. 34, lines 58-61).

[Claim 16] Eller teaches **wherein the computing device is programmed to allow users to print contents utilizing filters on the work order data** (Eller col.10, lines 3-6 and 59-63).

[Claim 17] Eller teaches **wherein a display is provided for a supervisor of the work executing resources for managing the work week** (Eller col. 32, lines 31-34; where the functional step of displaying is done irrespective of viewer thus the limitation

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of a “supervisor” is non-functional descriptive material and is not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP. 2106)).

[Claim 18] Eller teaches **wherein a section is provided for the assignment of specific resources to each work order scheduled for that work week on a specific day and time** (col. 32, lines 31-35 and 50-52).

[Claim 19] Eller teaches **wherein specific resources, personnel and equipment, can be applied to a given work order on a given day by dragging and dropping a resource from a resource palette onto the scheduled day/time the work is to be performed** (Eller col. 10, lines 6-7; col. 33, lines 14-15 and col. 36, lines 34-40).

[Claim 22] Eller does not teach **wherein all unavailable resource time is identified whether personnel vacation, holiday, sick, training, etc. or equipment resource unavailability.**

Pothos teaches in an analogous art **wherein all unavailable resource time is identified whether personnel vacation, holiday, sick, training, etc. or equipment resource unavailability** (Pothos col. 3, lines 57-61 and col. 10, lines 22-25).

8. Claims 11, 13, 15, 20, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eller et al (US 7,225,040 B2) and Pothos et al (US Patent 7,210,119 B2) as applied above and in further view of Chatfield (Step by Step Microsoft Office Project 2003, published 2003).

[Claim 11] Pothos teaches color coding (Pothos col. 6, lines 56-59) both Pothos and Eller are silent on **wherein user defined rules control the color coding**.

Chatfield teach in an analogous art **wherein user defined rules control the color coding** (Chatfield p. 69).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller and Pothos the **user defined rules control the color coding** as taught by Chatfield since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 13] Eller and Pothos teach all the limitation of claim 12, however neither teaches **wherein the sections are user configurable through user configurations that are made available to all other users**.

Chatfield teaches in an analogous art **wherein the sections are user configurable through user configurations that are made available to all other users** (Chatfield p. 42-51; where it is inherent that any one using the system could customize their view).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller and Pothos the **wherein the sections are user configurable through user configurations that are made available to all other users** as taught by Chatfield since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 15] Eller and Pothos teaches all the limitations of claim 1; however neither teaches **wherein the schedules can be locked, one lock for planning purposes and one lock for scheduling, and wherein the locked schedule serves as a baseline for performance measurements on how well the work week was executed.**

Chatfield teaches in an analogous art **wherein the schedules can be locked, one lock for planning purposes and one lock for scheduling, and wherein the locked schedule serves as a baseline for performance measurements on how well the work week was executed** (Chatfield p. 8-9 and 78-82).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller and Pothos the **wherein the schedules can be locked, one lock for planning purposes and one lock for scheduling, and wherein the locked schedule serves as a baseline for performance measurements on how well the work week was executed** as taught by Chatfield since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did

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separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 23] Eller and Pothos teaches all the limitations of claim 15; however neither teaches **wherein reasons for deviations from the locked schedule are identified and trended for feedback to leadership.**

Chatfield teaches in an analogous art **wherein reasons for deviations from the locked schedule are identified and trended for feedback to leadership** (Chatfield p. 10-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller and Pothos the **wherein reasons for deviations from the locked schedule are identified and trended for feedback to leadership** as taught by Chatfield since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 20] Eller teaches **wherein the emergent work includes sponsored** (col. 34, lines 56-57) Pothos teaches **wherein the emergent work includes emergency work** (col. 9, lines 43-49 where an emergency is the equivalent of a short notice); however neither teaches **wherein a section is provided to track emergent work occurring during the work week that was unknown prior to schedule lock down.**

Chatfield teaches in an analogous art **wherein a section is provided to track emergent work occurring during the work week that was unknown prior to schedule lock down** (Chatfield p. 10-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller and Pothos the **wherein a section is provided to track emergent work occurring during the work week that was unknown prior to schedule lock down** as taught by Chatfield since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 21] Eller and Pothos teach all the limitations of claim 17; however neither teaches **wherein performance indicators and metrics are calculated and trended for interpretation of the success of the execution of the work week**.

Chatfield teaches in an analogous art **wherein performance indicators and metrics are calculated and trended for interpretation of the success of the execution of the work week** (Chatfield, p. 10-13 and 19-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller and Pothos the **wherein performance indicators and metrics are calculated and trended for interpretation of the success of the execution of the work week** as taught by Chatfield since the claimed invention is merely a combination of old elements, and in the combination each

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element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

(10) Response to Argument

Below, the Examiner addresses each argument presented in sections VII A-E of Appellant's brief. The Examiner uses Appellant's section headings in order to allow for easy reference between the two.

A. The objection to claim 9 under 37 C.F.R. § 1.75(c) as being of improper dependent form

The 37 C.F.R 1.75 objection set forth in the previous office action with respect to claim 9 is withdrawn.

B. The rejection of claims 15, 19 and 23 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement

[Claims 15 and 23]

Applicant argues that support for claims 15 and 23 added in the 01/29/2009 amendment can be found in the originally filed disclosure at page 3, lines 20-22 and page 5, lines 1-6, specifically stating that throttling and throttle is for example locking. See Appeal Brief, p. 7.

Respectfully the Examiner disagrees with the Applicant's assertion. Claims 15 and 23 state "wherein the schedules can be locked, one lock for planning purposes and one lock for scheduling, and wherein the locked schedule serves as a baseline for performance measurements on how well the work week was executed." Applicant cites

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to page 3, lines 20-22 "PASTA is also designed to throttle the very inefficient and ineffective "sponsored" work that enters the work schedule at the last minute and enters with no planning of the work completed" and page 5, lines 1-6 "3. Throttle control of sponsored work, which is the highly disruptive work created and entered into a completely planned week of work (i.e., actually sponsored into getting done by somebody at the site requesting it get done now). This is very inefficient work for resources to be dedicated to and must be minimized. The assistant tracks and throttles those events by immediately flagging them, holding the organization accountable to it, and generates a real time key performance indicator."

The Examiner maintains that the cited portion of the specification does not support the added claimed limitation of claims 15 and 23. Specifically throttling is not defined or used to mean the act of locking. Using throttling to mean locking is contrary to the generally recognized meaning by those of ordinary skill in the art of "regulating flow." Further the specification support the interpretation of PASTA regulating (throttling) the flow of work through the system, while stopping or choking off the flow of work may be read in to the claim locking the schedule cannot. Locking in the context of the claim means to prevent changes and not the stopping i.e. throttling of work.

[Claim 19]

Applicant argues that support for claim 19 added in the 01/29/2009 amendment can be found in the originally filed disclosure at page 15, lines 4-8. See Appeal Brief, p. 7.

Respectfully the Examiner disagrees with the Applicant's assertion. Claim 19 states "wherein the schedules can be locked, one lock for planning purposes and one lock for scheduling, and wherein the locked schedule serves as a baseline for performance measurements on how well the work week was executed." Applicant cites to page 15, lines 4-8 in support of this limitation, which states "First choose the crew, unit or system from the drop down list, located on the top left side of the screen Then filter by: All, current crew or date initiated, located top right side, left drop down Then, if desired, sub filter by: All, Planner Assigned and Ready, Planner Assigned and Not Ready, No Planner Assigned or Status = C (complete)." Nothing in the referenced portion of the provides support for the newly added locking feature, therefore the rejection is maintain for review by the Board.

C. The rejection of claim 14 under 35 U.S.C. § 112, second paragraph, as being indefinite

[Claim 14]

Applicant argues that one of ordinary skill in the art would have understood the "preparatory" limitation of the claim to mean "preparatory to being assigned to a fixed schedule when an opportunity occurs." See Appeals Brief p. 8

Respectfully the Examiner disagrees with the Applicant's assertion. The limitation of Claim 14 previously objected to reads as "wherein the work orders can be inserted into a time disconnected work week schedule preparatory to being assigned to a fixed schedule when an opportunity occurs." Specifically the language question was

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what is to be bound by "a time disconnected work week schedule preparatory." If the Applicant intends as he assert for the limitation to be interpreted as a step in preparation of another then the claim should be amended to for example limit the bounds of the claim to "wherein the work orders can be inserted into a time disconnected work week schedule *(for / in)* preparatory to being assigned to a fixed schedule when an opportunity occurs." As currently claimed it is not clear what is to be bound by the limitation thus in violation of 35U.S.C.112, second paragraph.

D. The rejection of claims 1-10, 12, 14, 16-19 and 22 under 35 U.S.C. § 103(a) over Eller et al in view of Pothos et al

[Claim 1]

Applicant argues: (1) "that the short-notice tasks as taught in Pothos et al are not the same as a short notice outage, section as recited in the present claims." See Appeals Brief p. 8. (2) "Eller does not drive off of any work week process." See Appeals Brief p.8.

Respectfully the Examiner disagrees with Applicant's assertions. Specifically with respect to Applicant's argument (1), claim 1 claims among other features "a computing device in communication with said user interface, said computing device being programmed to implement . . . a short notice outage section." The instant specification states with respect to short notice outage "[d]rag and drop movement of work orders from work-week to work-week, from unscheduled to scheduled, to short notice outage plan, to planned outage plan, to backlog. Because the screen has side by side unscheduled and multiple weeks presented, it is very easy to drag and drop work

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into any given week or to the holding buckets of short notice outage plan, planned outage plan, and backlog” (see Instant Spec. p. 4, lines 10-16) and “Unplanned Unavailable Time [t]his area is used for hours that occurred during TO that were not scheduled, i.e. training, meetings, emergency vacation, etc.” (see Instant Spec. p. 12, lines 17-18 per the summary of claimed subject matter p.3 of the Appeals Brief.)

The claimed limitation in light of the specification is interpreted to mean an event or activity added to the schedule with little notice, where short is T (0) i.e. 0 minutes, hours, days, etc., which is consistent with examples given in the specification “training, meetings, emergency vacation, etc.”

Pothos teaches “a computing device in communication with said user interface, said computing device being programmed to implement (Pothos fig. 1 - fig. 4) . . . a short notice outage section (Pothos col. 9, lines 43-49 “selection of engineers to be displayed in this window is determined by right clicking on the relevant unscheduled task--task . . . the operator at workstation 7 can determine how best to deal with unscheduled tasks e.g. in an emergency situation, in which an engineer needs immediately to be dispatched to deal with the unscheduled task.”) The emergency event displayed in the unscheduled task section of Pothos would render the claimed limitation obvious to one of ordinary skill in the art at the time the invention was made.

With respect to Applicant’s argument (2), that “Eller does not drive off of any work week process,” it is unclear since this exact wording is not used in the claimed limitation. The examiner assumes that this argument is directed towards “a computing

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device in communication with said user interface, said computing device being programmed to implement . . . work week sections.”

This instant specification describes this feature as “Fig. 1 shows an annotated screen shot of a work week assignment tool 100. On the right is a list 102 of unscheduled jobs. On the left is a list 104 of scheduled jobs, grouped by work week.” See Instant Specification p. 11, lines 8-9. Where instant figure 1 as filed on 01/29/2009 is shown below and the portion of the figure which is interpreted as work week section is circled, since it is not labeled with a figure number, but is labeled as select a “T” week:

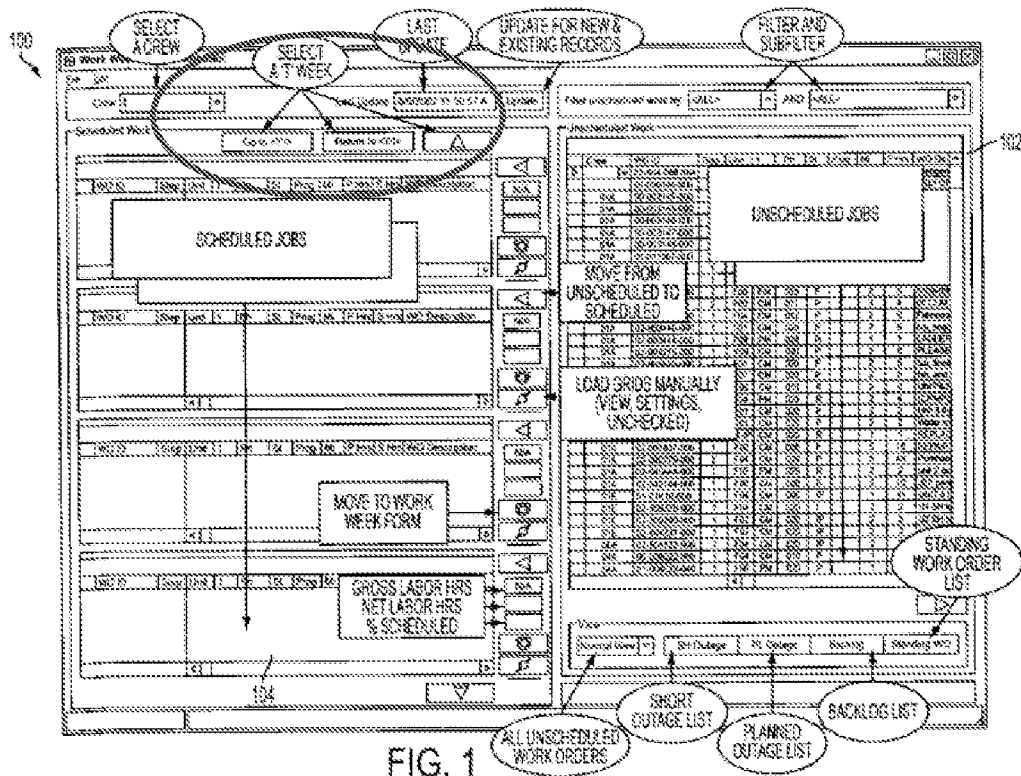


FIG. 1

Eller teaches “This long range view may be 12 months or more. Master Production Scheduling (“MPS”) fine tunes the near term S&OP view over short time

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periods such as on a week by week basis over the next 6 8 weeks.” See Eller col. 14, lines 27-31. Eller further teaches “the accompanying description refer to S&OP in the context of a month, it is understood that the S&OP process in accordance with the present invention may be applied to any time interval selected by the user.” See Eller col. 20, lines 23-27. It is respectfully submitted that the capability of the Eller master production scheduling to be presented in any time interval as selected by the user would render the claimed limitation obvious to one of ordinary skill in the art at the time the invention was made.

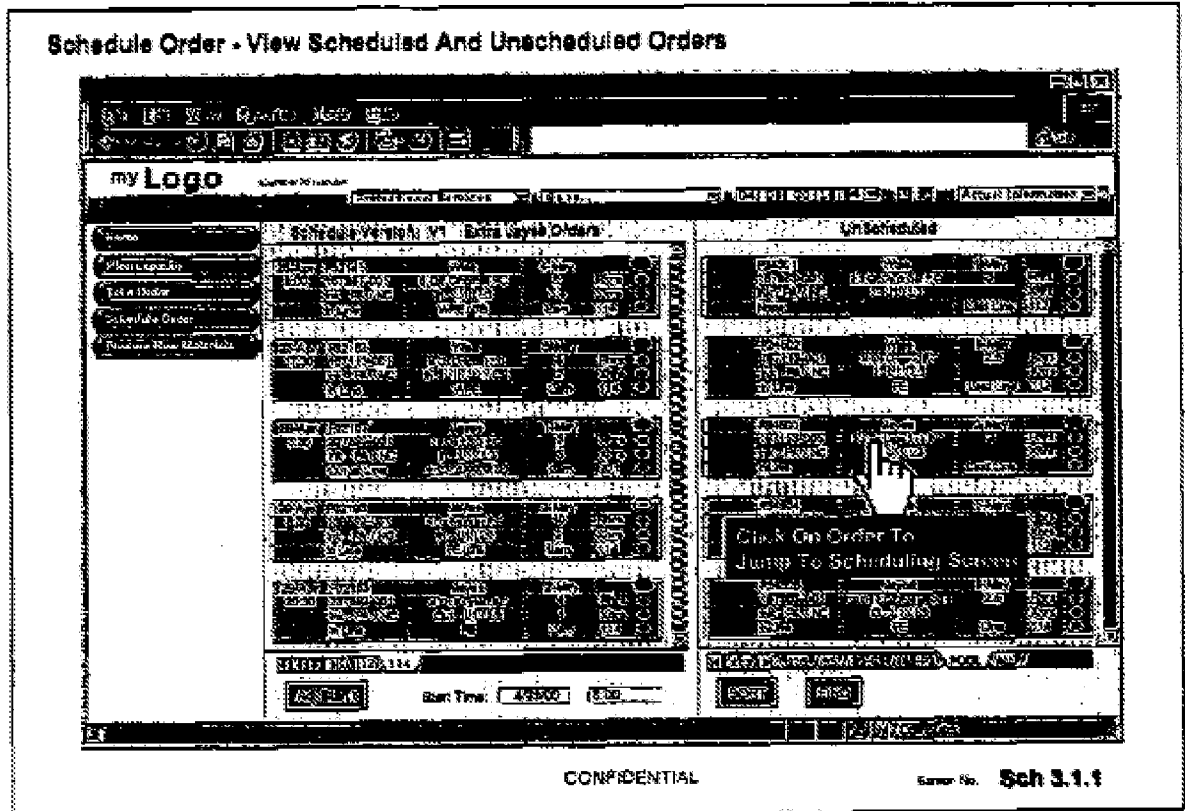
[Claim 2]

Applicant argues: “[t]he subject invention displays “filterable unscheduled work- that is filtered by craft, or crew, unit, etc - and at least four work weeks on the same screen. This display is imperative in work week management and is not supported or anticipated in the Eller document.” See Appeals Brief p.9

Respectfully the Examiner disagrees with Applicant’s assertion. The claimed limitation states “wherein the scheduled job section and unscheduled job section are simultaneously displayed to a user,” it is noted that the features upon which applicant relies (i.e., filterable unscheduled work- that is filtered by craft, or crew, unit, etc) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Eller does teach the claimed limitation see figure 11C. Where figure 11C shows the unscheduled job section to the right of the figure and the scheduled jobs to the left:

Figure 11C



The accompanying text to this figure states “FIG. 11C is an exemplary monitor view of the View Scheduled and Unscheduled Orders process of the Schedule Order processes of the current invention.” See Eller col. 5, lines 60-65. Where the “order” of Eller means a work order equivalent to a job of the instant claim. It is respectfully submitted that screen capture of shows the claimed limitation as claimed. It is therefore maintained that Eller's teaching would render obvious to one of ordinary skill in the art at the time the invention was made the claimed limitation.

[Claim 3]

Applicant argues: “the Eller invention speaks to the assignment of a component to production. When assigned the invention indicates the component is not available.” See Appeals Brief p. 9

Respectfully the Examiner disagrees with Applicant's accretion, claim 3 recites “system of claim 1, wherein when work orders are dropped into a work week section, real time indication of resource loading is determined.” Further it is noted that the features upon which applicant relies (i.e., when [resources] assigned the invention indicates the component is not available) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Eller teaches “[g]ives the user the ability to schedule a laminator by selecting the job to schedule and dragging it onto the schedule in the desired position. The schedule is automatically adjusted.” See Eller col. 36, lines 34-40. Eller also teaches “intuitive (drag and drop) scheduling method.” See Eller col. 10, lines 6-7. Therefore the teaching of Eller renders the claimed limitation obvious to one of ordinary skill in the art at the time the invention was made.

[Claim 4]

Applicant argues: “[w]hen orders, or attempts to manufacture beyond the production line's capabilities, the Eller invention indicates such impossibility. The subject invention indicates the percentage a group of human resources is overloaded.” See Appeals Brief p. 10.

Respectfully the Examiner disagrees with Applicant's accretion; claim 4 recites "system of claim 3, wherein the resource loading is determined based on whether a work group has been overloaded with too much work." It is noted that the features upon which applicant relies (i.e., invention indicates the percentage a group of human resources is overloaded) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Eller teaches "[t]hese orders have been accepted based on capacity and resource availability . . . scheduling process defines the . . . converting a capacity commitment into executable instructions for production." See Eller col. 32, line 31-36). Eller also teaches "process allows the user to shift hours from under loaded capacity groups to overloaded ones in order to resolve supply imbalances." See Eller col. 19, lines 6-8). Where the Examiner interprets the "shifting from overloaded to under-loaded" and "accepting of orders based on capacity" to inherently include the claimed limitation of determining resource loading based on whether a group is overloaded. One of ordinary skill in the art at the time the invention was made would have understood in order to shift from an overloaded to an under-loaded schedule the system would have to first determine what was acceptable capacity. Thus the teaching of Eller renders the claimed limitation obvious to one of ordinary skill in the art at the time the invention was made.

[Claim 5]

Applicant argues: “the Pothos invention speaks of color coding as it pertains to certain work activities . . . The subject invention pertains to work in which much preparation is necessary.” See Appeals Brief p.10.

Respectfully the Examiner disagrees with Applicant's accretion; claim 5 recites “system of claim 1, wherein the computing device is programmed to implement color coding, and wherein said color coding indicates the status of planning the work order.” Pothos is used to teach “[d]ifferent categories of work activity are represented by different coloured elongate strips or blocks.” See Pothos col. 6, lines 55-60. The teachings of Pothos are the equivalent of the claimed limitation wherein the colors of Pothos indicate work activities i.e. status of work orders.

[Claim 6]

Applicant argues: “[t]he Pothos invention does not indicate such preparatory statuses.” See Appeals Brief p.10.

Respectfully the Examiner disagrees with Applicant's accretion; claim 6 recites “system of claim 5, wherein the status includes whether the work order is complete and ready to work.” It is noted that the features upon which applicant relies (i.e., indicate such preparatory statuses.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Pothos teaches “when a[n] engineer completes a task, a report is provided back . . . to enable the server to keep account of the work carried out and to update and

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optimize the schedules.” Where the Examiner interprets the “task” of Pothos to be the “work order” of the claimed limitation, where it is old and well known that work orders detail at least one task. Therefore the teachings of Pothos would have rendered the teachings of the claimed limitation obvious to one of ordinary skill in the art at the time the invention was made.

[Claim 7]

Applicant's arguments (see Appeals Brief p. 10) fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

[Claim 8]

Applicant's arguments (see Appeals Brief p. 10) fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

[Claim 9]

Applicant's arguments (see Appeals Brief p. 11) fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

[Claim 10]

Applicant's arguments (see Appeals Brief p. 11) fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

[Claim 12]

Applicant's arguments (see Appeals Brief p. 11) fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

[Claim 14]

Applicant's arguments (see Appeals Brief p. 11) fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

[Claim 16]

Applicant argues: (1) "Eller et al do not teach printing contents using filters on the work order data, but instead teach extracting metadata from images including difficulty of print, which is quite different." See Appeals Brief p.11. (2) "[T]he asserted combination of references would not have resulted in the subject matter of claim 16." See Appeals Brief p.11

Eller teaches "using complete information; accessing image files and algorithms for extracting scheduling information from these files (e.g. process print degree of

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difficulty." See Eller col. 10, lines 3-6. Where it is old and well known in the art that extracting data as taught by Eller is the same as filtering content as claimed in the instant application.

[Claim 17]

Applicant argues: (1) "Eller et al is silent on displaying. See Appeals Brief p. 11. (2) [T]he asserted combination of references would not have resulted in the subject matter of claim 17." See Appeals Brief p.11.

With respect to argument (1) the Examiner respectfully disagrees with the Applicant's accretions, see the screen captures at least in Eller figures 3A through 3G and 4A through 4C as presentation of work week display as taught by Eller.

With respect to argument (2) Claim 17 depends from and incorporates claim 1, Eller and Pothos teach all limitation of claim 1, Eller is further used to teach the additional limitations of claim 17. It is maintained as noted in claim 1 that it would have been obvious to one of ordinary skill in the art at the additional features of claim 17 as taught by Eller since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 18]

Applicant argues: (1) that Eller is "silent on the assignment of specific resources to each work order." See Appeals Brief p.12. (2) "[T]he asserted combination of

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references would not have resulted in the subject matter of claim 18.” See Appeals Brief p.12.

With respect to argument (1) the Examiner respectfully disagrees with the Applicant’s accretions, Eller teaches “orders have been accepted based on capacity and resource availability . . . data is retrieved . . . data is used to project inventory levels and determine the availability of the packing film . . . at the specific date and time an order is scheduled for manufacturing.” See Eller col. 32, lines 30-45. Where for example the “packing film” of Eller is an example of a “specific resource as claimed in the instant limitation. Thus the teachings of Eller render the claim limitation of obvious to one of ordinary skill in the art at the time the invention was made.

With respect to argument (2) Claim 18 depends from and incorporates claim 17 which depends from claim 1, Eller and Pothos teach all limitation of claim 1, Eller is further used to teach the additional limitations of claim 18. It is maintained as noted in claim 1 that it would have been obvious to one of ordinary skill in the art at the additional features of claim 18 as taught by Eller since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 19]

Applicant argues: (1) “Eller et al. . . simply teach scheduling . . . not the assignment of specific resources, personnel and equipment. The other cited portions are directed to a press and a laminator, not to specific resources, personnel and

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equipment.” See Appeals Brief p.12. (2) [T]he asserted combination of references would not have resulted in the subject matter of claim 19.” See Appeals Brief p. 12.

With respect to argument (1) the Examiner respectfully disagrees with the Applicant’s accretions Eller teaches “[g]ives the user the ability to schedule a laminator by selecting the job to schedule and dragging it onto the schedule in the desired position. The schedule is automatically adjusted.” See Eller col. 36, lines 34-40. Eller also teaches “intuitive (drag and drop) scheduling method.” See Eller col. 10, lines 6-7. Where for example the “laminator” of Eller is an example of a “specific resource” as claimed in the instant limitation. Thus the teachings of Eller render the claim limitation of obvious to one of ordinary skill in the art at the time the invention was made.

With respect to argument (2) Claim 19 depends from and incorporates claim 18 which depends from claim 17 which depends from claim 1, Eller and Pothos teach all limitation of claim 1, Eller is further used to teach the additional limitations of claim 19. It is maintained as noted in claim 1 that it would have been obvious to one of ordinary skill in the art at the additional features of claim 18 as taught by Eller since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 22]

Applicant argues: (1) “depends from claim 1 and thus includes limitations directed to a short notice outage section and a planned outage section. The cited

portions of Pothos et al are concerned only with planned outages.” See Appeals Brief p. 12. (2) “[T]he asserted combination of references would not have resulted in the subject matter of claim 22.” See Appeals Brief p.12.

With respect to argument (1) the Examiner respectfully disagrees with the Applicant’s accretions. Pothos teaches “a computing device in communication with said user interface, said computing device being programmed to implement (Pothos fig. 1 - fig. 4) . . . a short notice outage section (Pothos col. 9, lines 43-49 “selection of engineers to be displayed in this window is determined by right clicking on the relevant unscheduled task--task . . . the operator at workstation 7 can determine how best to deal with unscheduled tasks e.g. in an emergency situation, in which an engineer needs immediately to be dispatched to deal with the unscheduled task.”) The emergency event displayed in the unscheduled task section of Pothos would render the claimed limitation obvious to one of ordinary skill in the art at the time the invention was made.

With respect to argument (2) Claim 19 depends from and incorporates claim 18 which depends from claim 17 which depends from claim 1, Eller and Pothos teach all limitation of claim 1, Eller is further used to teach the additional limitations of claim 19. It is maintained as noted in claim 1 that it would have been obvious to one of ordinary skill in the art at the additional features of claim 18 as taught by Eller since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

E. The rejection of claims 11, 13, 15, 20, 21 and 23 under 35 U.S.C. § 103(a) over Eller et al in view of Pothos et al and further in view of Chatfield.

[Claim 11]

Applicant's arguments (see Appeals Brief p. 12) fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

[Claim 13]

Applicant argues: (1) “the Appellants respectfully disagree with the reading given to Chatfield in the Final Rejection. Even if it is inherent that anyone using the system could customize their view, that is not the same thing as user configurations that are made available to all other users.” See Appeals Brief p. 12. (2) “[T]he Appellants respectfully submit that the applied combination of references would not have resulted in the subject matter of claim 13, explicitly or inherently.” See Appeals Brief p.12

In response to Applicant’s argument (1) the Examiner respectfully disagrees. Chatfield teaches “you create a custom Gantt chart and apply predefined formatting to it with the Gantt Chart Wizard.” See Chatfield p. 42. Chatfield also teaches “Custom Gantt Chart view appears and is selected in the More Views dialog box.” See Chatfield p.45. It is inherent that if the custom Gantt chart is viewable or selectable from the More View screen then any one using the system may customize their view and make it available to all users. Thus the teachings of Chatfield renders the limitation of the

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instant claim obvious to one of ordinary skill in the art at the time the invention was made.

In response to Applicant's argument (2) Claim 13 depends from and incorporates claim 12 which depends from claim 1, Eller and Pothos teach all limitation of claim 1, Chatfield is further used to teach the additional limitations of claim 13. It is maintained as noted in claim 1 that it would have been obvious to one of ordinary skill in the art at the additional features of claim 13 as taught by Chatfield since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 15]

Applicant argues: (1) "the mere fact that Chatfield teaches a baseline does not prove that the baseline of the reference is the same as the locked schedule of the present claimed invention." See Appeals Brief p.13. (2) "[A] prima facie case of obviousness has not been made." See Appeals Brief p.13.

In response to Applicant's argument (1) the Examiner respectfully disagrees. By definition a baseline is old and well known in the art at the time the invention was made to mean as an unchangeable standard i.e. locked, against which future things are measured as is the case in the teachings of Chatfield see pages 8-9 and 78-82. Thus the teachings of Chatfield in view of what is old and very well known in the art renders the instant limitation obvious.

In response to Applicant's argument (2) it is noted that a mere statement or argument that the Office has not established a prima facie case of obviousness or that the Office's reliance on common knowledge is unsupported by documentary evidence will not be considered substantively adequate to rebut the rejection or an effective traverse of the rejection under 37 CFR 1.111(b). See MPEP 2141

[Claim 20]

Applicant argues: (1) "the Final Rejection does not explain how the "Tracking Gantt" function of Chatfield is the same as the tracking of emergent work occurring during the work week that was unknown prior to schedule lock down." See Appeals Brief p. 13. (2) "[T]he Appellants respectfully submit that a prima facie case of obviousness has not been made." See Appeals Brief p.13.

In response to Applicant's argument (1) the Examiner respectfully disagrees. Chatfield teaches "[i]n the chart portion the tasks as they are currently scheduled appear as blue bars" See Chatfield p. 10. Chatfield also teaches "the Tracking Gantt view . . . task was added to the plan after the initial baseline was set" See Chatfield p. 11 Thus it is interpreted that task added to the Tracking Gantt view were unknown prior to setting the baseline i.e. schedule lock down. It is maintained that the teachings of Chatfield teach the limitation of the instant claim and renders the claimed limitation obvious to those of ordinary skill in the art at the time the invention was made.

In response to Applicant's argument (2) it is noted that a mere statement or argument that the Office has not established a prima facie case of obviousness or that the Office's reliance on common knowledge is unsupported by documentary evidence

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will not be considered substantively adequate to rebut the rejection or an effective traverse of the rejection under 37 CFR 1.111(b). See MPEP 2141

[Claim 21]

Applicant argues: (1) “the Final Rejection does not explain how the Gantt charts and the project statistics of the cited portions of Chatfield read on the calculating and trending of performance indicators and metrics for interpretation of the success and execution of the work week.” See Appeals Brief p.13. (2) “[T]he Appellants respectfully submit that a prima facie case of obviousness has not been made.” See Appeals Brief p.13.

In response to Applicant’s argument (1) the Examiner respectfully disagrees. Chatfield teaches “[h]ere you can see . . . that over all the project plan now has 13 days of finish variance. The project statistic dialog box also indicates some cost variance.” See Chatfield p. 20. Chatfield further teaches “positioning the mouse pointer over missed deadline indicator displays a Screen Tip in which you can see the details of the deadline and the task’s finish date” See Chatfield p. 21. The teachings of Chatfield allow the user to visually take inventory of how a project is performing and does calculation for example to let the user know how far over or under budget the project is. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Chatfield renders the claimed limitation of “calculating and trending of performance indicators and metrics for interpretation of the success and execution of the work week” obvious.

In response to Applicant's argument (2) it is noted that a mere statement or argument that the Office has not established a prima facie case of obviousness or that the Office's reliance on common knowledge is unsupported by documentary evidence will not be considered substantively adequate to rebut the rejection or an effective traverse of the rejection under 37 CFR 1.111(b). See MPEP 2141

[Claim 23]

Applicant argues: (1) "the Final Rejection does not explain how the Gantt charts of Chatfield teach that reasons for deviations from the locked schedule are identified and trended for feedback for leadership." See Appeals Brief p.13. (2) "[T]he Appellants respectfully submit that a prima facie case of obviousness has not been made." See Appeals Brief p.13.

In response to Applicant's argument (1) the Examiner respectfully disagrees. Chatfield teaches "the Gantt bars for the task as they are currently scheduled appear in blue (or if critical, red) and their baseline schedule values appear in gray" See Chatfield p. 10 also see figure p. 10. The baseline of Chatfield is interpreted as the locked schedule while the blue or red task bars show the current project scheduling. This visual display of how close the actual schedule is to the planned schedule provides instant feedback as to the reason for deviation i.e. a missed deadline. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the teachings of Chatfield render the instant claim obvious.

In response to Applicant's argument (2) it is noted that a mere statement or argument that the Office has not established a prima facie case of obviousness or that

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the Office's reliance on common knowledge is unsupported by documentary evidence will not be considered substantively adequate to rebut the rejection or an effective traverse of the rejection under 37 CFR 1.111(b). See MPEP 2141

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Folashade Anderson/

Examiner, Art Unit 3623

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623


Conferees:

Andre Boyce /bvb/ for

Primary Examiner, AU 3623

Vincent Millin /vm/

Appeals Conference Specialist, TC 3600

Index of Claims 	Application/Control No. 10851663	Applicant(s)/Patent Under Reexamination MCELROY ET AL.
	Examiner FOLASHADE ANDERSON	Art Unit 3623

✓	Rejected
=	Allowed

-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	10/27/2008	03/08/2010						
	1	✓	✓						
	2	✓	✓						
	3	✓	✓						
	4	✓	✓						
	5	✓	✓						
	6	✓	✓						
	7	✓	✓						
	8	✓	✓						
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	17		✓						
	18		✓						
	19		✓						
	20		✓						
	21		✓						
	22		✓						
	23		✓						

TRANSMITTAL OF APPEAL BRIEF	Docket No. 130733.0104
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In re Application of: John W. MCELROY et al.

Application No. 10/851,663-Conf. #1154	Filing Date May 24, 2004	Examiner F. Anderson	Group Art Unit 3623
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Invention: PLANNING AND SCHEDULING TOOL ASSISTANT

TO THE COMMISSIONER OF PATENTS:

Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed: October 16, 2009 .

The fee for filing this Appeal Brief is \$ 270.00 .

Large Entity Small Entity

A petition for extension of time is also enclosed.

The fee for the extension of time is _____ .

A check in the amount of _____ is enclosed.

Charge the amount of the fee to Deposit Account No. 23-2185 .

Payment by credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. 23-2185 .
This sheet is submitted in duplicate.

DL

/david j. edmondson/
David J. Edmondson
Attorney Reg. No. : 35,126
BLANK ROME LLP
600 New Hampshire Ave., NW
Washington, DC 20037
(202) 772-5800

Dated: January 7, 2010

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.01(a)(4).	
Dated: January 7, 2010	Electronic Signature for David J. Edmondson: /david j. edmondson/

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Dated: _____
Electronic Signature for David J. Edmondson: /david.j.edmondson/

Docket No.: 130733.0104
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John W. MCELROY et al.

Application No.: 10/851,663

Confirmation No.: 1154

Filed: May 24, 2004

Art Unit: 3623

For: PLANNING AND SCHEDULING TOOL
ASSISTANT

Examiner: F. Anderson

APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2213-1450

Dear Sir:

As required under 37 C.F.R. § 41.37(a), this brief is filed in furtherance of the Notice of Appeal filed in this case on October 16, 2009, and within one month of the Notice of Panel Decision from Pre-Appeal Brief Review mailed December 7, 2009.

The fees required under 37 C.F.R. § 41.20(b)(2) are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains items under the following headings as required by 37 C.F.R. § 41.37 and M.P.E.P. § 1205.02:

- | | |
|------|-----------------------------------|
| I. | Real Party In Interest |
| II | Related Appeals and Interferences |
| III. | Status of Claims |
| IV. | Status of Amendments |
| V. | Summary of Claimed Subject Matter |

130733.00104/35974504v.1

- VI. Grounds of Rejection to be Reviewed on Appeal
- VII. Argument
- VIII. Claims Appendix
- IX. Evidence Appendix
- X. Related Proceedings Appendix

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is the assignee, P&RO Solutions Group, Inc., of Newtown Square, Pennsylvania.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Total Number of Claims in Application

There are 23 claims pending in application.

B. Current Status of Claims

- 1. Claims canceled: 0
- 2. Claims withdrawn from consideration but not canceled: 0
- 3. Claims pending: 1-23
- 4. Claims allowed: 0
- 5. Claims rejected: 1-23

C. Claims On Appeal

The claims on appeal are claims 1-23

IV. STATUS OF AMENDMENTS

The Appellants did not seek to amend the application after the Final Rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The invention as defined by claim 1 and the claims dependent therefrom is directed to a planning and scheduling system, the system comprising: a user interface (Fig. 1, work week assignment tool 100; page 11, lines 6-10); and a computing device in communication with said user interface, said computing device being programmed to implement: work week sections (Fig. 1, list 104 of scheduled jobs organized by work week; page 11, lines 8-9); a scheduled job section (Fig. 1, list 104 of scheduled jobs; page 11, lines 8-9); an unscheduled job section (Fig. 1, list 102 of unscheduled jobs; page 11, line 8); a short notice outage section (Fig. 1, short outage list; page 12, lines 17-18); a planned outage section (Fig. 1, planned outage list; page 12, lines 15-16); and work orders (Fig. 2, work orders in scheduled job section 104; page 11, lines 12-13), wherein the work orders can be moved from one work week section to another work week section, from unscheduled to scheduled, to short notice outage, to planned outage, and to backlog, by dragging and dropping the work orders using said user interface (page 4, lines 10-16).

Claim 2 depends from claim 1 and adds the further limitation that the scheduled job section and unscheduled job section are simultaneously displayed to a user (Fig. 1, list 102 of unscheduled jobs and list 104 of scheduled jobs; page 11, lines 4-10).

Claim 3 depends from claim 1 and adds the further limitation that when work orders are dropped into a work week section, real time indication of resource loading is determined (page 4, lines 14-16).

Claim 4 depends from claim 3 and adds the further limitation that the resource loading is determined based on whether a work group has been overloaded with too much work (page 4, lines 14-16).

Claim 5 depends from claim 1 and adds the further limitation that the computing device is programmed to implement color coding, and wherein said color coding indicates the status of planning the work order (Fig. 2, work week assignment tool 100; page 11, lines 11-16).

Claim 6 depends from claim 5 and adds the further limitation that the status includes whether the work order is complete and ready to work (Fig. 2, work week assignment tool 100; page 11, lines 15-16).

Claim 7 depends from claim 1 and adds the further limitation that the computing device is a networked computer in communication with a database server (page 4, lines 6-8)

Claim 8 depends from claim 1 and adds the further limitation that said computing device is programmed to control said user interface for displaying the work week sections, scheduled job section, unscheduled job section, short notice outage, planned outage, and work orders (Figs. 1 and 2, work week assignment tool 100; page 11, lines 6-16).

Claim 9 depends from claim 1 and adds the further limitation that the computing device is programmed to be used for scheduling and planning (page 1, lines 7-8).

Claim 10 depends from claim 1 and adds the further limitation that the system further comprises a management control for executing the work week sections (Fig. 3, work week management section 300; page 11, lines 17-21).

Claim 11 depends from claim 5 and adds the further limitation that user defined rules control the color coding (page 11, lines 13-14).

Claim 12 depends from claim 11 and adds the further limitation that the sections are user configurable to display data that the user requires in a manner permitting the user to accomplish planning and scheduling (page 26, lines 15-20).

Claim 13 depends from claim 12 and adds the further limitation that the sections are user configurable through user configurations that are made available to all other users (page 26, lines 16-17).

Claim 14 depends from claim 1 and adds the further limitation that the work orders can be inserted into a time disconnected work week schedule preparatory to being assigned to a fixed schedule when an opportunity occurs (page 4, lines 12-14).

Claim 15 depends from claim 1 and adds the further limitation that the schedules can be locked, one lock for planning purposes and one lock for scheduling, and wherein the locked schedule serves as a baseline for performance measurements on how well the work week was executed (page 3, lines 20-22, and page 5, lines 1-6 (throttling and throttle control, i.e., locking)).

Claim 16 depends from claim 1 and adds the further limitation that the computing device is programmed to allow users to print contents utilizing filters on the work order data (page 25, line 15, through page 26, line 11).

Claim 17 depends from claim 1 and adds the further limitation that a display is provided for a supervisor of the work executing resources for managing the work week (Fig. 3, work week management form 300; page 12, lines 3-6).

Claim 18 depends from claim 17 and adds the further limitation that a section is provided for the assignment of specific resources to each work order scheduled for that work week on a specific day and time (page 16, lines 4-5).

Claim 19 depends from claim 18 and adds the further limitation that specific resources, personnel and equipment, can be applied to a given work order on a given day by dragging and dropping a resource from a resource palette onto the scheduled day/time the work is to be performed (page 15, lines 4-8).

Claim 20 depends from claim 17 and adds the further limitation that a section is provided to track emergent work occurring during the work week that was unknown prior to schedule lock down, and wherein the emergent work includes sponsored and emergency work (Fig. 3, emergent work pane 304; page 11, lines 19-21).

Claim 21 depends from claim 17 and adds the further limitation that performance indicators and metrics are calculated and trended for interpretation of the success of the execution of the work week (Fig. 3, area 308 for listing key performance indicators or metrics; Fig. 4, graph 402; page 11, line 22, to page 12, line 2).

Claim 22 depends from claim 17 and adds the further limitation that all unavailable resource time is identified whether personnel vacation, holiday, sick, training, etc. or equipment resource unavailability (page 12, lines 15-18).

Claim 23 depends from claim 15 and adds the further limitation that reasons for deviations from the locked schedule are identified and trended for feedback to leadership (page 3, lines 20-22, and page 5, lines 1-6 (throttling and throttle control, i.e., locking)).

VI. GROUNDS OF OBJECTION AND REJECTION TO BE REVIEWED ON APPEAL

A. The objection to claim 9 under 37 C.F.R. § 1.75(c) as being of improper dependent form.

B. The rejection of claims 15, 19 and 23 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

C. The rejection of claim 14 under 35 U.S.C. § 112, second paragraph, as being indefinite.

D. The rejection of claims 1-10, 12, 14, 16-19 and 22 under 35 U.S.C. § 103(a) over *Eller et al* in view of *Pothos et al*.

E. The rejection of claims 11, 13, 15, 20, 21 and 23 under 35 U.S.C. § 103(a) over *Eller et al* in view of *Pothos et al* and further in view of *Chatfield*.

VII. ARGUMENT

A. The objection to claim 9 under 37 C.F.R. § 1.75(c) as being of improper dependent form

Claim 9 further limits claim 1 by specifying a manner in which the computing device is programmed. Therefore, the Appellants respectfully appeal the objection on that ground.

B. The rejection of claims 15, 19 and 23 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement

Present claims 15 and 23 find support in the originally filed disclosure, e.g., on page 3, lines 20-22 and page 5, lines 1-6 (throttling and throttle control, i.e., locking).

Present claim 19 finds support in the originally filed disclosure, e.g., on page 15, lines 4-8.

Therefore, the Appellants respectfully submit that the originally filed disclosure provides an adequate written description for the present claimed invention.

C. The rejection of claim 14 under 35 U.S.C. § 112, second paragraph, as being indefinite

The Final Rejection alleges, “It is unclear what Applicant intends to encompass as his invention through the use of the phrase ‘a time disconnected work week schedule preparatory.’” In response, the Appellants respectfully submit that the selective quotation of claim language does violence to the language of the claim as a whole. In the claim, “preparatory” explicitly means “preparatory to being assigned to a fixed schedule when an opportunity occurs.” Thus, a person having ordinary skill in the art who had read the entirety of the claim in light of the specification would understand what is claimed.

D. The rejection of claims 1-10, 12, 14, 16-19 and 22 under 35 U.S.C. § 103(a) over *Eller et al* in view of *Pothos et al*

The Applicants respectfully submit that the present claimed invention offers a non-obvious improvement over the prior art and would not have resulted from the combination of references proposed in the Office Action. The Office Action acknowledges that *Eller et al* fails to teach a short notice outage, but instead cites *Pothos et al* for that teaching. However, the Applicants respectfully submit that the short-notice tasks as taught in *Pothos et al* are not the same as a short-notice outage section as recited in the present claims. In that regard, the argument in the Final Rejection that an emergency is the same as short notice is unavailing, since the mere teaching of an emergency does not teach or suggest the distinction noted above.

The Work Week Sections are part of the process of work week management and multiple work weeks (4) are presented on a single screen. Users can manipulate the four work weeks and the Unscheduled section on the screen to achieve the utilization required. All of this is done through unique “dragging and dropping”. The subject invention also “locks the schedule” each week to establish a point to measure the performance of the work week and subsequently has over twenty metrics of performance for each work week. *Eller* does not drive off of any work week process. (It does allow the user to see production items set for a singular period of time such as a

week). *Eller* can schedule, but its focus is into production lines and assuring materials are staged accordingly. The subject invention is more focused on maintenance practice in large industrial environs and therefore is more focused on the integration of the human resource and their efficiency and management to a work process.

The referenced emergency situation section taught by *Pothos* compared to the subject invention's Short Notice Outage is quite different. The subject invention engages the creation of a complete schedule of work of many departments and interfaces in anticipation of an unscheduled availability of equipment to work on. Recognize that some operating equipment is mostly not available to the workforce and when an entire operating system comes off line unanticipated for a short period of time the subject invention permits the creation of an entire schedule of work that was assembled not attached to any dates, and the assignment of that work to a specific schedule. *Pothos* does nothing more than to schedule emergency work onto the schedule after the emergency event happens.

Regarding claim 2, the referenced *Eller* figure shows that the unscheduled work and selected days available on the screen. The subject invention displays "filterable unscheduled work – that is filtered by craft, or crew, unit, etc – and at least four work weeks on the same screen. This display is imperative in work week management and is not supported or anticipated in the *Eller* document.

Regarding claim 3, the *Eller* invention speaks to the assignment of a component to production. When assigned the invention indicates the component is not available. This subject invention tracks the assignment of a large group of human resources. Any assignment is a small part of the availability. Therefore, for a single human resource the subject invention indicates the balance of availability and likewise, for a group of human resources, it indicates the collective balance of availability. It is important to understand that this is immediately visible as work is loaded into the work week.

Regarding claim 4, the *Eller* invention considers the capacity of a production line and its ability to manufacture its output. When orders, or attempts to manufacture beyond the production line's capabilities, the *Eller* invention indicates such impossibility. The subject invention indicates the percentage a group of human resources is overloaded. Then by taking work out of the group, or by adding additional human resources the overload can be corrected.

Regarding claim 5, the *Pothos* invention speaks of color coding as it pertains to certain work activities. The color coding provides insight into the relationship of the work activities. The subject invention pertains to work in which much preparation is necessary. The color coding is important in the communication of the status of planning and whether the work can actually be accomplished. This is important in work week management of human resources to assure efficiency of utilization. The color indicates whether the work has been properly prepared by the various departments of workers prior to the work execution. The color is a highly visible communication as to the status of each departments preparation.

Regarding claim 6, the *Pothos* invention addresses assigning a completion status on a work assignment. It does not anticipate the large amount of preplanning for work in a complex industrial complex. The subject invention tracks the status of the preparation by many departments and when all preparations are made the subject invention will indicate, by color code, that the work order is "ready to work" in that all preparations have been made. The *Pothos* invention does not indicate such preparatory statuses.

Regarding claim 7, the networked computer in communication with the database system allows greater flexibility in terms of distributed computing.

Regarding claim 8, the present invention is uniquely designed to support human resource management and even equipment management in a complex industrial environ in a new world class "work week management" process. Such interfaces and displays are so designed to create discipline about the process and results in the high, efficient use of resource.

Regarding claim 9, the present invention is uniquely designed to support human resource management and even equipment management in a complex industrial environ in a new world class “work week management” process. Such interfaces and displays are so designed to create discipline about the process and results in the high, efficient use of resource. The fact that the system is used to plan and schedule resource is by definition.

Regarding claim 10, the present invention is uniquely designed to support human resource management and even equipment management in a complex industrial environ in a new world class “work week management” process. Such interfaces and displays are so designed to create discipline about the process and results in the high, efficient use of resource. It contains unique some 20 work week performance metrics on the efficient utilization of the resources. These metrics provide management unique capability to manage the resources within the disciplined “work week management” process.

Regarding claim 12, even if the rejection of claim 1 is affirmed, the subject matter of claim 12 offers an advantage in terms of allowing the user to see data pertinent to the user’s planning and scheduling decisions, rather than all information, thus enhancing user-friendliness.

Regarding claim 14, even if the rejection of claim 1 is affirmed, the subject matter of claim 14, with its time disconnected work week schedule, allows greater flexibility in terms of scheduling, in that work orders can be assigned to a fixed schedule when an opportunity occurs.

Regarding claim 16, the cited passages from *Eller et al* do not teach printing contents using filters on the work order data, but instead teach extracting metadata from images including difficulty of print, which is quite different. Therefore, the asserted combination of references would not have resulted in the subject matter of claim 16.

Regarding claim 17, the cited passage from *Eller et al* is silent on displaying. Therefore, the asserted combination of references would not have resulted in the subject matter of claim 17.

Regarding claim 18, the cited passages from *Eller et al* teach scheduling and recalculating a schedule and are silent on the assignment of specific resources to each work order. Therefore, the asserted combination of references would not have resulted in the subject matter of claim 18.

Regarding claim 19, *Eller et al*, column 10, lines 6-7 simply teach scheduling by drag and drop, not the assignment of specific resources, personnel and equipment. The other cited portions are directed to a press and a laminator, not to specific resources, personnel *and* equipment. Therefore, the asserted combination of references would not have resulted in the subject matter of claim 19.

Regarding claim 22, the claim ultimately depends from claim 1 and thus includes limitations directed to a short notice outage section and a planned outage section. The cited portions of *Pothos et al* are concerned only with planned outages, e.g., holidays. Therefore, the asserted combination of references would not have resulted in the subject matter of claim 22.

E. The rejection of claims 11, 13, 15, 20, 21 and 23 under 35 U.S.C. § 103(a) over *Eller et al* in view of *Pothos et al* and further in view of *Chatfield*.

Regarding claim 11, even if the color coding of claim 5 is held to be unpatentable, the user defined rules still define non-obvious subject matter because they provide an advantage in terms of increased convenience to the user.

Regarding claim 13, even if the rejection of claim 12 is affirmed, the Appellants respectfully disagree with the reading given to *Chatfield* in the Final Rejection. Even if it is inherent that anyone using the system could customize their view, that is not the same thing as user configurations that are made available to all other users. Therefore, the Appellants respectfully submit that the applied combination of references would not have resulted in the subject matter of claim 13, explicitly or inherently.

Regarding claim 15, even if the rejection of claim 1 is affirmed, the mere fact that *Chatfield* teaches a baseline does not prove that the baseline of the reference is the same as the locked schedule of the present claimed invention. Therefore, a *prima facie* case of obviousness has not been made.

Regarding claim 20, the Final Rejection does not explain how the “Tracking Gantt” function of *Chatfield* is the same as the tracking of emergent work occurring during the work week that was unknown prior to schedule lock down. Therefore, the Appellants respectfully submit that a *prima facie* case of obviousness has not been made.

Regarding claim 21, the Final Rejection does not explain how the Gantt charts and the project statistics of the cited portions of *Chatfield* read on the calculating and trending of performance indicators and metrics for interpretation of the success and execution of the work week. Therefore, the Appellants respectfully submit that a *prima facie* case of obviousness has not been made.

Regarding claim 23, the Final Rejection does not explain how the Gantt charts of *Chatfield* teach that reasons for deviations from the locked schedule are identified and trended for feedback for leadership. Therefore, the Appellants respectfully submit that a *prima facie* case of obviousness has not been made.

Conclusion

In light of the above, the Appellants respectfully submit that the present claimed invention is patentable. Therefore, the Appellants respectfully urge reversal of all grounds set forth in the Final Rejection, with regard to all pending claims.

Please charge any deficiency in fees, or credit any overpayment thereof, to our Deposit Account No. 23-2185, under Order No. 130733.0104 from which the undersigned is authorized to draw. If a Petition for Extension of Time is required to render the present Appeal Brief timely and either does not accompany the present Appeal Brief or does not render it timely, the Appellants

hereby petition under 37 C.F.R. § 1.136(a) for such an extension for as many months as are required to render the present Appeal Brief timely. Any fee due is authorized above.

Dated: January 7, 2010

Respectfully submitted,



Electronic signature: /David J. Edmondson/

David J. Edmondson

Registration No.: 35,126

BLANK ROME LLP

Correspondence Customer Number: 27557

Attorney for Appellants

VIII. CLAIMS APPENDIX

1. A planning and scheduling system, the system comprising:
 - a user interface; and
 - a computing device in communication with said user interface, said computing device being programmed to implement:
 - work week sections;
 - a scheduled job section;
 - an unscheduled job section;
 - a short notice outage section;
 - a planned outage section; and
 - work orders, wherein the work orders can be moved from one work week section to another work week section, from unscheduled to scheduled, to short notice outage, to planned outage, and to backlog, by dragging and dropping the work orders using said user interface.
2. The system of claim 1, wherein the scheduled job section and unscheduled job section are simultaneously displayed to a user.
3. The system of claim 1, wherein when work orders are dropped into a work week section, real time indication of resource loading is determined.
4. The system of claim 3, wherein the resource loading is determined based on whether a work group has been overloaded with too much work.
5. The system of claim 1, wherein the computing device is programmed to implement color coding, and wherein said color coding indicates the status of planning the work order.

6. The system of claim 5, wherein the status includes whether the work order is complete and ready to work.

7. The system of claim 1, wherein the computing device is a networked computer in communication with a database server.

8. The system of claim 1, wherein said computing device is programmed to control said user interface for displaying the work week sections, scheduled job section, unscheduled job section, short notice outage, planned outage, and work orders.

9. The system of claim 1, wherein the computing device is programmed to be used for scheduling and planning.

10. The system of claim 1, further comprising a management control for executing the work week sections.

11. The system of claim 5, wherein user defined rules control the color coding.

12. The system of claim 1, wherein the sections are user configurable to display data that the user requires in a manner permitting the user to accomplish planning and scheduling.

13. The system of claim 12, wherein the sections are user configurable through user configurations that are made available to all other users.

14. The system of claim 1, wherein the work orders can be inserted into a time disconnected work week schedule preparatory to being assigned to a fixed schedule when an opportunity occurs.

15. The system of claim 1, wherein the schedules can be locked, one lock for planning purposes and one lock for scheduling, and wherein the locked schedule serves as a baseline for performance measurements on how well the work week was executed.

16. The system of claim 1, wherein the computing device is programmed to allow users to print contents utilizing filters on the work order data.

17. The system of claim 1, wherein a display is provided for a supervisor of the work executing resources for managing the work week.

18. The system of claim 17, wherein a section is provided for the assignment of specific resources to each work order scheduled for that work week on a specific day and time.

19. The system of claim 18, wherein specific resources, personnel and equipment, can be applied to a given work order on a given day by dragging and dropping a resource from a resource palette onto the scheduled day/time the work is to be performed.

20. The system of claim 17, wherein a section is provided to track emergent work occurring during the work week that was unknown prior to schedule lock down, and wherein the emergent work includes sponsored and emergency work.

21. The system of claim 17, wherein performance indicators and metrics are calculated and trended for interpretation of the success of the execution of the work week.

22. The system of claim 17, wherein all unavailable resource time is identified whether personnel vacation, holiday, sick, training, etc. or equipment resource unavailability.

23. The system of claim 15, wherein reasons for deviations from the locked schedule are identified and trended for feedback to leadership.

IX. EVIDENCE APPENDIX

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

X. RELATED PROCEEDINGS APPENDIX

No related proceedings are referenced in II above; therefore, copies of decisions in such related proceedings are not provided.

Electronic Patent Application Fee Transmittal

Application Number:	10851663
Filing Date:	24-May-2004
Title of Invention:	Planning and scheduling tool assistant
First Named Inventor/Applicant Name:	John W. McElroy
Filer:	David J. Edmondson/Frances Purnell
Attorney Docket Number:	130733.0104

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Filing a brief in support of an appeal	2402	1	270	270

Post-Allowance-and-Post-Issuance:

Extension-of-Time:

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				270

Electronic Acknowledgement Receipt

EFS ID:	6767402
Application Number:	10851663
International Application Number:	
Confirmation Number:	1154
Title of Invention:	Planning and scheduling tool assistant
First Named Inventor/Applicant Name:	John W. McElroy
Customer Number:	27557
Filer:	David J. Edmondson/Frances Purnell
Filer Authorized By:	David J. Edmondson
Attorney Docket Number:	130733.0104
Receipt Date:	07-JAN-2010
Filing Date:	24-MAY-2004
Time Stamp:	14:20:16
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$270
RAM confirmation Number	492
Deposit Account	232185
Authorized User	

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees)

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Appeal Brief Filed	1307330104_- _1307330104appealbrief.pdf	806547 8ebbc98ce0f5ecea509ce2cc99455297d15558d2	no	20
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	29756 1fc924a8662270ca789c616baaef176336583f44	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			836303		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/851,663	05/24/2004	John W. McElroy	130733.0104	1154
27557	7590	12/07/2009	EXAMINER	
BLANK ROME LLP WATERGATE 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037			ANDERSON, FOLASHADE	
			ART UNIT	PAPER NUMBER
			3623	
			MAIL DATE	DELIVERY MODE
			12/07/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Panel Decision from Pre-Appeal Brief Review	Application/Control No.	Applicant(s)/Patent under Reexamination	
	10/851,663	MCELROY ET AL.	
	Beth V. Boswell	Art Unit	
		3623	

This is in response to the Pre-Appeal Brief Request for Review filed 16 October 2009.

1. **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- The request does not include reasons why a review is appropriate.
- A proposed amendment is included with the Pre-Appeal Brief request.
- Other: .

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

- The panel has determined the status of the claim(s) is as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-23.
 Claim(s) withdrawn from consideration: _____.

3. **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Beth V. Boswell.

(3) Folashade Anderson.

(2) Vincent Millin.

(4) Vincent Millin.

/B. V. B./
Supervisory Patent Examiner, Art
Unit 3623

/Folashade Anderson/
Examiner, Art Unit 3623

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Confirmation No.: 1154
John W. MCELROY et al	)	Art Unit: 3623
Application No.: 10/851,663	)	Examiner: F. Anderson
Filed: May 24, 2004	)	Attorney Docket No.: 130733-00104
For: PLANNING AND SCHEDULING	)	Date: October 16, 2009
TOOL ASSISTANT ASSURING HIGH)	
UTILIZATION OF RESOURCES)	
(as amended))	

**STATEMENT OF REASONS IN SUPPORT OF REQUEST
FOR PRE-APPEAL BRIEF REVIEW**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

In support of the Request for Pre-Appeal Brief Review filed concurrently herewith, the Appellants, through undersigned counsel, respectfully submit the following statement of reasons why the outstanding grounds of rejection should be reversed.

The Applicants respectfully submit that the present claimed invention offers a non-obvious improvement over the prior art and would not have resulted from the combination of references proposed in the Office Action. The Office Action acknowledges that *Eller et al* fails to teach a short notice outage, but instead cites *Pothos et al* for that teaching. However, the Applicants respectfully submit that the short-notice tasks as taught in *Pothos et al* are not the same as a short-notice outage section as recited in the present claims. In that regard, the argument in the Final Rejection that an emergency is the same as short notice is unavailing.

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Regarding claim 10, the present invention is uniquely designed to support human resource management and even equipment management in a complex industrial environ in a new world class “work week management” process. Such interfaces and displays are so designed to create discipline about the process and results in the high, efficient use of resource. It contains unique some 20 work week performance metrics on the efficient utilization of the resources. These metrics provide management unique capability to manage the resources within the disciplined “work week management” process.

Claim 9 further limits claim 1 by specifying a manner in which the computing device is programmed.

Present claims 15 and 23 find support in the originally filed disclosure, e.g., on page 3, lines 20-22 and page 5, lines 1-6 (throttling and throttle control, i.e., locking).

Please charge any deficiency in fees, or credit any overpayment thereof, to our Deposit Account No. 23-2185 under Order No. 130733.0104. If an extension of time either is not filed concurrently herewith or is insufficient to render this submission timely, the Appellants hereby petition under 37 C.F.R. § 1.136 for such an extension for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

By:  /david j. edmondson/
David J. Edmondson
Reg. No. 35,126
Attorney for Appellants

BLANK ROME LLP
Watergate 600, 6th Floor
600 New Hampshire Ave., N.W.
Washington, D.C. 20037-2403
(202) 772-5800 (Phone)
(202) 572-8398 (Facsimile)
Customer No.: 27557

Electronic Patent Application Fee Transmittal

Application Number:	10851663
Filing Date:	24-May-2004
Title of Invention:	Planning and scheduling tool assistant
First Named Inventor/Applicant Name:	John W. McElroy
Filer:	David J. Edmondson/Celia Pammel
Attorney Docket Number:	130733.0104

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	2401	1	270	270

Post-Allowance-and-Post-Issuance:

Extension-of-Time:

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension - 3 months with \$0 paid	2253	1	555	555
Miscellaneous:				
Total in USD (\$)				825

Electronic Acknowledgement Receipt

EFS ID:	6278168
Application Number:	10851663
International Application Number:	
Confirmation Number:	1154
Title of Invention:	Planning and scheduling tool assistant
First Named Inventor/Applicant Name:	John W. McElroy
Customer Number:	27557
Filer:	David J. Edmondson/Celia Pammel
Filer Authorized By:	David J. Edmondson
Attorney Docket Number:	130733.0104
Receipt Date:	16-OCT-2009
Filing Date:	24-MAY-2004
Time Stamp:	15:52:45
Application Type:	Utility under 35 USC 111(a)

Payment information:

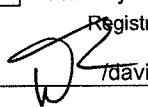
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Authorized User	

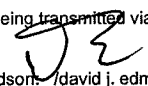
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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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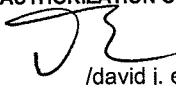
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Multipart Description/PDF files in .zip description					
Document Description		Start		End	
Extension of Time		1		1	
Notice of Appeal Filed		2		2	
Miscellaneous Incoming Letter		3		3	
Amendment/Argument after Notice of Appeal		4		8	
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	31812 <small>0ff3320bf9209e9629dafa64e03dda41b067d1c2</small>	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			422911		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2009 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		Docket Number (Optional) 130733.0104	
Application Number 10/851,663 Conf. No. 1154		Filed May 24, 2004	
For PLANNING AND SCHEDULING TOOL ASSISTANT ASSURING HIGH UTILIZATION OF RESOURCES (as amended)			
Art Unit 3623		Examiner Folashade Anderson	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$130	\$65	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$490	\$245	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1110	\$555	\$ 555.00
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1730	\$865	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2350	\$1175	\$ _____
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>23-2185</u> .			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>35,126</u>			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
 _____ Signature		_____ October 16, 2009 Date	
David J. Edmondson _____ Typed or printed name		(202) 772-5800 _____ Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> Total of <u>1</u> forms are submitted.			

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).	
Dated: October 16, 2009	 Electronic Signature for David J. Edmondson / david j. edmondson/

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 130733.0104
In re Application of John W. MCELROY et al.		
Application Number 10/851,663	Filed May 24, 2004	
For PLANNING AND SCHEDULING TOOL ASSISTANT ASSURING HIGH UTILIZATION OF RESOURCES (as amended)		
Art Unit 3623	Examiner Folashade Anderson	
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.		
The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))		\$ <u>540.00</u>
<input checked="" type="checkbox"/>	Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:	\$ <u>270.00</u>
<input type="checkbox"/>	A check in the amount of the fee is enclosed.	
<input type="checkbox"/>	Payment by credit card. Form PTO-2038 is attached.	
<input checked="" type="checkbox"/>	The Director has already been authorized to charge fees in this application to a Deposit Account.	
<input checked="" type="checkbox"/>	The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>23-2185</u> .	
<input checked="" type="checkbox"/>	A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.	
WARNING: INFORMATION ON THIS FORM MAY BECOME PUBLIC. CREDIT CARD INFORMATION SHOULD NOT BE INCLUDED ON THIS FORM. PROVIDE CREDIT CARD INFORMATION AND AUTHORIZATION ON PTO-2038.		
I am the		
<input type="checkbox"/>	applicant /inventor.	 /david j. edmondson/ Signature
<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	David J. Edmondson Typed or printed name
<input checked="" type="checkbox"/>	attorney or agent of record. Registration number <u>35,126</u>	(202) 772-5800 Telephone number
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____	October 16, 2009 Date
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.		
<input type="checkbox"/>	*Total of <u>1</u> forms are submitted.	

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Dated: October 16, 2009

Electronic Signature for David J. Edmondson: /david j. edmondson/


Doc Code: AP.PRE.REQ


PTO/SB/33 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 130733.0104	
		Application Number 10/851,663	Filed May 24, 2004
First Named Inventor John W. MCELROY et al.			
		Art Unit 3623	Examiner Folashade Anderson
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>35,126</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <div style="text-align: right; margin-top: 20px;">  _____ /david j. edmondson/ Signature _____ David J. Edmondson Typed or printed name _____ (202) 772-5800 Telephone number _____ October 16, 2009 Date </div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<input type="checkbox"/> *Total of <u>1</u> forms are submitted.			

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).	
Dated: October 16, 2009	 Electronic Signature for David J. Edmondson: /david j. edmondson/



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
10/851,663 05/24/2004 John W. McElroy 062750-00104 1154

27557 7590 04/16/2009
BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

EXAMINER

ANDERSON, FOLASHADE

ART UNIT PAPER NUMBER

3623

MAIL DATE DELIVERY MODE

04/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. This final office action in response to Applicant's submission filed on 01/29/2009. Currently, claims 1-23 are pending. Claims 1, 4, 5, 8, and 9 are amended. Claims 11-23 are newly added.
2. It is noted that Applicants notation of the amendments made to the claims are inconsistent or incorrect for example claim 1 is noted as "(original)" however the claim contains amendments i.e. the newly added limitation of a user interface. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, the examination of the newly submitted claims are examined as best understood by the Examiner following the guise of the underlined amend limitation and cross out canceled limitations.

Response to Amendment

3. Applicant's amendments to the specification on page 10 starting at line 4 are sufficient to overcome the drawing objections raised in the previous office action.
4. Applicant's replacement drawings for figures 1-4 are sufficient to overcome the drawing objection set forth in the previous office action.
5. Applicant's amendment to the title is sufficient to overcome the title objection set forth in the previous office action.
6. Applicant's amendment to the abstract to overcome the abstract objection set forth in the previous office action.

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7. Applicant's amendments to the specification on page 4, lines 1-2, page 12, lines 8-10, page 14 lines 10-13, and page 23, lines 14-18 are sufficient to overcome the specification objection set forth in the previous office action.
8. Applicant's amendment to claim 4 is sufficient to overcome the claims objection set forth in the previous office action.
9. Applicant's amendments to claim 1 is sufficient to overcome the 35 USC 101 and 35 USC 112, second paragraph rejections set forth in the previous office action.
10. Applicant's amendments to claim 5 are sufficient to overcome the 35 USC 112, second paragraph rejection set forth in the previous office action.

Response to Arguments

11. Applicant's arguments filed with respect to the 35 USC 103 (a) rejections set forth in the previous office action have been fully considered but they are not persuasive. Applicant argues (A) with respect to claim 1 "the short-notice task as taught in Pothos et al are not the same as a short notice outage section as recited," page 10, (B) with respect to claim 1 "Eller does not drive off any work week process," page 10, (C) with respect to claim 2 "the subject invention displays filterable unscheduled work . . . imperative in work week management and is not supported or anticipated in the Eller document," page 11, and (D) with respect to claim 6 "Pothos invention does not indicate [] preparatory statuses," page 12.

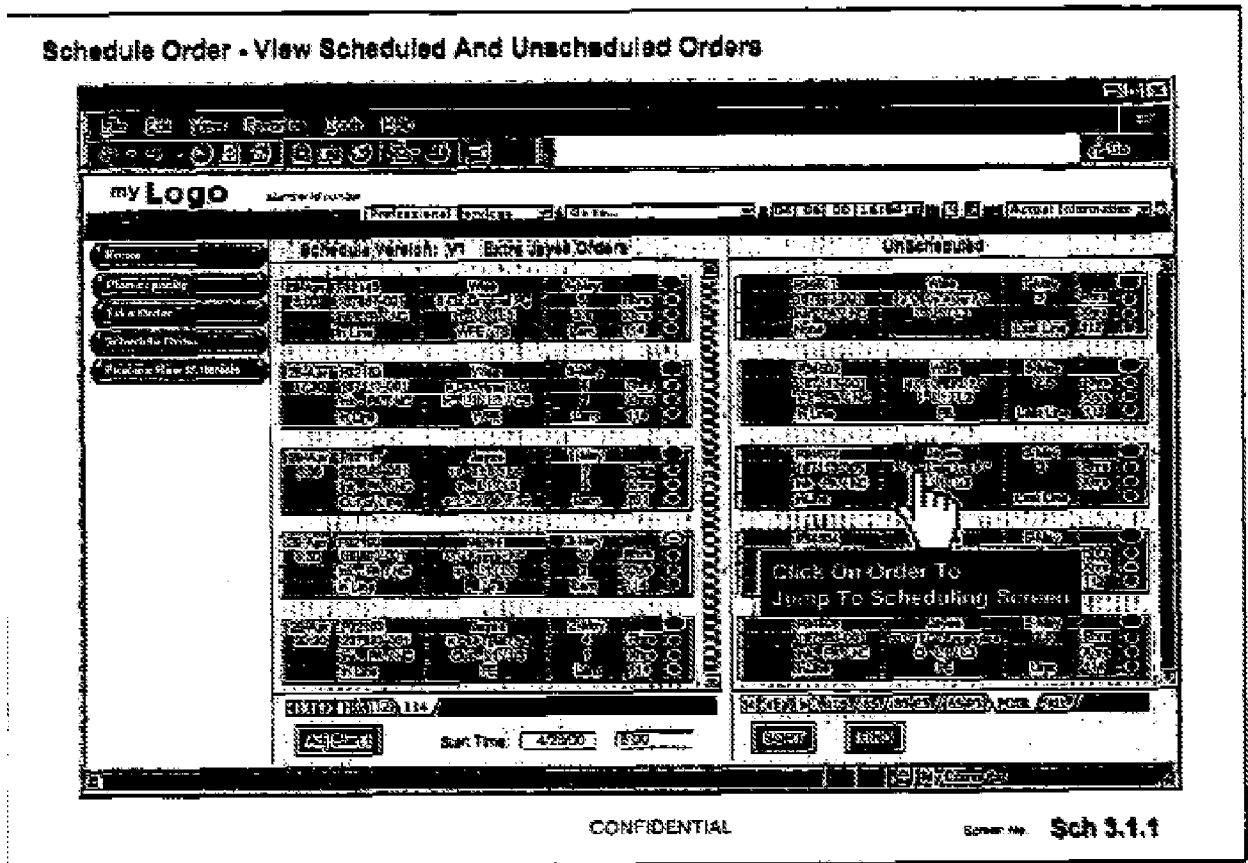
In response to Applicant's argument (11A), the Examiner respectfully disagrees, the instant claim does not limit the scheduling of task to any defined timeframe;

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therefore Applicant's argument that "Pothos does nothing more than to schedule emergency work onto the schedule after the emergency event happens" is irrelevant. An emergency by definition is something that happens with little notice thus the emergency of Pothos is the equivalent of the short notice scheduling of the instant application.

In response to Applicant's argument (11B), the Examiner respectfully disagrees, this argument is not clear in the use of "drive off" the Examiner assume Applicant means "divide off." Eller figure 11C shows unscheduled items on the right of the screen and scheduled items on the left thus the unscheduled is divided off from the scheduled as claimed in the instant application.

Figure 11C



In response to Applicant's argument (11C), the Examiner respectfully disagrees, see figure 11C of Eller, which allows a user to see what is work is scheduled and work unscheduled separately simultaneously as claimed in the instant application. Further is noted that while this feature allows for the filtering of information to the user "filtering" as argued by Applicant is not positively recited in the claim language. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Applicant's argument (11D), the Examiner respectfully disagrees, Pothos teaches "a report is provided . . . in order to enable the server to keep an account of work carried out and to update" this reporting feature is equivalent to the preparatory statuses of the instant application.

12. Applicant's arguments with respect to claims 3-6 and 8-10 are unclear. The arguments appear to simply summarize the claimed invention and do not expressly point out any errors in the previous office action.

Claim Objections

13. Claim 9 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It is unclear how the claim language "the computing device is programmed to be used for scheduling and planning" further limits the planning and scheduling system.

Claim Rejections - 35 USC § 112

14. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

15. Claims 15 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

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which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no mention of baseline or any features which allows a user to lock the schedule therefore **wherein the schedules can be locked, one lock for planning purposes and one lock for scheduling, and wherein the locked schedule serves as a baseline for performance measurements on how well the work week was executed**, as recited in claim 15 is new matter not supported by the originally filed specification. Claim 23 depends from claim 15 thus suffers from similar new matter problems.

16. Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification teaches the dragging and dropping of work orders in to the schedule however it does not provide sufficient support for **wherein specific resources, personnel and equipment, can be applied to a given work order on a given day by dragging and dropping a resource from a resource palette onto the scheduled day/time the work is to be performed**, as recited in claim 19 thus this limitation is new matter not supported by the originally filed specification.

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17. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation recites "**wherein the work orders can be inserted into a time disconnected work week schedule preparatory to being assigned to a fixed schedule when an opportunity occurs.**" It is unclear what Applicant intends to encompass as his invention through the use of the phrase "a time disconnected work week schedule preparatory." For purposes of examination the limitation is being interpreted to mean and unscheduled work order.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

20. Claims 1-10, 12, 14, 16-19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eller et al (US 7,225,040 B2) in view of Pothos et al (US Patent 7,210,119 B2).

[Claim 1] Eller discloses **a planning and scheduling system running on a computing device, the system comprising:**

work week sections (Eller col. 14, lines 27-31 and col. 20, lines 23-27);

a scheduled job section (Eller fig. 11C, and col. 34, lines 56-57);

an unscheduled job section (Eller fig. 11C, and col. 34, lines 58-61);

a planned outage section (Eller col. 16, lines 56-59).

work orders, wherein the work orders can be moved from one work week section to another work week section, from unscheduled to scheduled, to short notice outage, to planned outage, and to backlog, by dragging and dropping the work orders (Eller col. 34, lines 64-67; where the click and passing aspects of the disclosure are akin to the very old and well known feature of drag and drop and col. 36, lines 34-40).

Eller teaches the scheduled and unscheduled orders as an all inclusive groups, with no distinctions between subgroups with the groups. Eller therefore is silent on **a short notice outage**.

Porthos et al teaches **a short notice outage section** (col. 9, lines 43-49 where an emergency is the equivalent of a short notice)

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller the short notice as taught by Porthos since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 2] Eller teaches **the scheduled job section and unscheduled job sections are simultaneously displayed to a user** (Eller fig. 11C).

[Claim 3] Eller teaches **when work orders are dropped into a work week section, real time indication of resource loading is determined** (Eller col. 36, lines 56-61).

[Claim 4] Eller teaches **wherein the resource loading is determined based on whether a work group has been overloaded with too much work** (col. 32, lines 31-34).

[Claim 5] Eller teaches the **status of planning the work order** (col. 10, line 37-39); however Eller is silent on **color coding**.

Porthos teaches teach **color coding** (col. 6, lines 56-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller the color coding as taught by Porthos since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did

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separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 6] Eller teaches allowing users to option the status of work orders (col. 10, lines 37-39) while it would be obvious to one of ordinary skill in the art that a status of "complete" to any work orders finished by the system would be a logical update; however Eller is silent on marking the status a complete. Thus Eller does not expressly **wherein the status includes whether the work order is complete and ready to work.**

Pothos teaches **status includes whether the work order is complete and ready to work** (col. 4, lines 22-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller the complete status as taught by Porthos since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 7] Eller teaches **wherein the system runs on a networked computer in communication with a database server** (col. 10, lines 22-31).

[Claim 8] Eller teaches **a user interface for displaying the work week sections, scheduled job section, unscheduled job section, short notice outage, planned outage, and work orders** (col. 38, lines 5-16).

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Eller teaches a user interface display. Eller does not expressly teach the specific data recited in claims i.e. the text of the display "**the work week sections, scheduled job section, unscheduled job section, short notice outage, planned outage, and work orders**"; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP, 2106.

[Claim 9] Eller teaches **the system is used for scheduling and planning** (col. 2, lines 62-65).

[Claim 10] Eller teaches **a management control for executing the work week sections** (col. 14, line 27-31).

[Claim 12] Eller teaches **wherein the sections are user configurable to display data that the user requires in a manner permitting the user to accomplish planning and scheduling** (Eller fig. 11C, and col. 34, lines 56-57 and lines 58-61).

[Claim 14] Eller teaches **wherein the work orders can be inserted into a time disconnected work week schedule preparatory to being assigned to a fixed schedule when an opportunity occurs** (Eller col. 34, lines 58-61).

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[Claim 16] Eller teaches **wherein the computing device is programmed to allow users to print contents utilizing filters on the work order data** (Eller col.10, lines 3-6 and 59-63).

[Claim 17] Eller teaches **wherein a display is provided for a supervisor of the work executing resources for managing the work week** (Eller col. 32, lines 31-34; where the functional step of displaying is done irrespective of viewer thus the limitation of a “supervisor” is non-functional descriptive material and is not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP, 2106)).

[Claim 18] Eller teaches **wherein a section is provided for the assignment of specific resources to each work order scheduled for that work week on a specific day and time** (col. 32, lines 31-35 and 50-52).

[Claim 19] Eller teaches **wherein specific resources, personnel and equipment, can be applied to a given work order on a given day by dragging and dropping a resource from a resource palette onto the scheduled day/time the work is to be performed** (Eller col. 10, lines 6-7; col. 33, lines 14-15 and col. 36, lines 34-40).

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[Claim 22] Eller does not teach **wherein all unavailable resource time is identified whether personnel vacation, holiday, sick, training, etc. or equipment resource unavailability.**

Pothos teaches in an analogous art **wherein all unavailable resource time is identified whether personnel vacation, holiday, sick, training, etc. or equipment resource unavailability** (Pothos col. 3, lines 57-61 and col. 10, lines 22-25).

21. Claims 11, 13, 15, 20, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eller et al (US 7,225,040 B2) and Pothos et al (US Patent 7,210,119 B2) as applied above and in further view of Chatfield (Step by Step Microsoft Office Project 2003, published 2003).

[Claim 11] Pothos teaches color coding (Pothos col. 6, lines 56-59) both Pothos and Eller are silent on **wherein user defined rules control the color coding.**

Chatfield teach in an analogous art **wherein user defined rules control the color coding** (Chatfield p. 69).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller and Pothos the **user defined rules control the color coding** as taught by Chatfield since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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[Claim 13] Eller and Pothos teach all the limitation of claim 12, however neither teaches **wherein the sections are user configurable through user configurations that are made available to all other users.**

Chatfield teaches in an analogous art **wherein the sections are user configurable through user configurations that are made available to all other users** (Chatfield p. 42-51; where it is inherent that any one using the system could customize their view).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller and Pothos the **wherein the sections are user configurable through user configurations that are made available to all other users** as taught by Chatfield since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 15] Eller and Pothos teaches all the limitations of claim 1; however neither teaches **wherein the schedules can be locked, one lock for planning purposes and one lock for scheduling, and wherein the locked schedule serves as a baseline for performance measurements on how well the work week was executed.**

Chatfield teaches in an analogous art **wherein the schedules can be locked, one lock for planning purposes and one lock for scheduling, and wherein the locked schedule serves as a baseline for performance measurements on how well the work week was executed** (Chatfield p. 8-9 and 78-82).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller and Pothos the **wherein the schedules can be locked, one lock for planning purposes and one lock for scheduling, and wherein the locked schedule serves as a baseline for performance measurements on how well the work week was executed** as taught by Chatfield since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 23] Eller and Pothos teaches all the limitations of claim 15; however neither teaches **wherein reasons for deviations from the locked schedule are identified and trended for feedback to leadership.**

Chatfield teaches in an analogous art **wherein reasons for deviations from the locked schedule are identified and trended for feedback to leadership** (Chatfield p. 10-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller and Pothos the **wherein reasons for deviations from the locked schedule are identified and trended for feedback to leadership** as taught by Chatfield since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

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[Claim 20] Eller teaches **wherein the emergent work includes sponsored** (col. 34, lines 56-57) Pothos teaches **wherein the emergent work includes emergency work** (col. 9, lines 43-49 where an emergency is the equivalent of a short notice); however neither teaches **wherein a section is provided to track emergent work occurring during the work week that was unknown prior to schedule lock down.**

Chatfield teaches in an analogous art **wherein a section is provided to track emergent work occurring during the work week that was unknown prior to schedule lock down** (Chatfield p. 10-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller and Pothos the **wherein a section is provided to track emergent work occurring during the work week that was unknown prior to schedule lock down** as taught by Chatfield since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 21] Eller and Pothos teach all the limitations of claim 17; however neither teaches **wherein performance indicators and metrics are calculated and trended for interpretation of the success of the execution of the work week.**

Chatfield teaches in an analogous art **wherein performance indicators and metrics are calculated and trended for interpretation of the success of the execution of the work week** (Chatfield, p. 10-13 and 19-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller and Pothos the **wherein performance indicators and metrics are calculated and trended for interpretation of the success of the execution of the work week** as taught by Chatfield since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Silver et al (Inventory Management and Production Planning and Scheduling, published 1998) teaches short scheduling.

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOLASHADE ANDERSON whose telephone number is (571)270-3331. The examiner can normally be reached on Monday through Thursday 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Folashade Anderson/
Examiner, Art Unit 3623

/Andre Boyce/
Primary Examiner, Art Unit 3623

Notice of References Cited	Application/Control No. 10/851,663	Applicant(s)/Patent Under Reexamination MCELROY ET AL.	
	Examiner FOLASHADE ANDERSON	Art Unit 3623	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A US-			
	B US-			
	C US-			
	D US-			
	E US-			
	F US-			
	G US-			
	H US-			
	I US-			
	J US-			
	K US-			
	L US-			
	M US-			


FOREIGN PATENT DOCUMENTS

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	N				
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
U	Chatfield, Carl, and Timothy Johnson. Step by Step Microsoft Office Project 2003. Microsoft P, 2003.
V	A., Silver, Edward. Inventory management and production planning and scheduling. New York: Wiley, 1998.
W	
X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes 	Application/Control No. 10851663	Applicant(s)/Patent Under Reexamination MCELROY ET AL.
	Examiner FOLASHADE ANDERSON	Art Unit 3623

SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
EAST	04/12/2009	FAOA
Safari books	04/12/2009	FAOA

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L5	172	(planning and scheduling).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2009/04/13 09:56
L6	60161	((job or work or task) near2 (request or order))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/04/13 09:56
L7	1794	baselin\$ and (L5 or L6)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2009/04/13 09:56
L8	295	(mcelroy-j\$ mcelroy-s\$ samsel-k\$.in.	US-PGPUB; USPAT; USOCR	OR	ON	2009/04/13 09:56
L9	0	baselin\$ and (L5 or L6) and L8	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2009/04/13 09:56
S1	32	"20020111842" "20020007297" "20020010615" "20020049563" "20020143601" "20020161674" "20030041087" ("5787000" "5835898" "5970437" "6006171" "6421571").pn. "9905684"	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/17 10:54
S2	2	("20020174000" | "20030171970"). PN. OR ("7421372").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:25
S3	158	(planning and scheduling).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:30
S4	6	EPRI solution	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:31
S5	0	(work with week) and (job with schedule) and (unschedule with job) and ((short or emergency or corrective or outage) with notice) and (work adj order)	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:33
S6	108	(preventative with maintenance).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:47
S7	282	(mcelroy-j\$ mcelroy-s\$ samsel-k\$.in.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:49
S8	0	(work with week) and (job with schedule) and (unschedule with job) and (work adj order)	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 12:28
S9	0	S7 and S3	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 12:31
S10	0	(job with schedule) and (unschedule with job)and (work adj order)	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 13:14
S11	158	(planning and scheduling).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:51
S12	282	(mcelroy-j\$ mcelroy-s\$ samsel-k\$.in.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:51

S13	0	S11 and S12	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/19 16:51
S14	6	EPRI solution	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:52
S15	6	S14	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/19 16:52
S16	0	((job with schedule) and (unschedule with job) and (work adj order)	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:52
S17	0	S16	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/19 16:52
S18	108	((preventative with maintenance).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:52
S19	0	S12 and S18	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/19 16:52
S20	208	((planning and scheduling) and (preventative with maintenance)	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:53
S21	3	S20 and S12	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:53
S22	655	((planning and scheduling).ab.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:54
S23	472	((mcelroy-j\$ mcelroy-s\$ samsel-k\$).in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:54
S24	0	S23 and S22	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:54
S25	0	((job with schedule) and (unschedule with job) and (work near2 order)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:54
S26	0	((production or maintenance or job) with schedule) and (unschedule with job) and (work near2 order)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:55

S27	10573	(production or maintenance or job) with schedule	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:55
S28	0	S12 and S27	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:55
S29	56409	((job or work or task) near2 (request or order))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:57
S30	1097	S27 and S29 and display and interface	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:58
S31	273	S27 and S29 and display and interface and "705".clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:58
S32	1049	(planning and scheduling) near3 system	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:59
S33	41	S31 and S32	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:59
S34	424	(schedul\$4 with (job order task assignment)) and (unschedul\$4 with (job order task assignment))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:04
S35	46	S34 and S32	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:04

S36	6	S34 and S32 and (drag near2 drop)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:05
S37	12	("5231567" | "5559708" | "5657453" | "5960164" | "5982996" | "5991783" | "6036345" | "6067406" | "6167382" | "6247507" | "6415196" | "6611727"). PN. OR ("7225040").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 17:10
S38	113	S27 and S29 and display and interface and (drag near2 drop)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:14
S39	9	S27 and S29 and display and interface and (drag near2 drop) and S34	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:14
S40	4	S39 not S36	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:15
S41	110	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:47
S42	81	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order) and display	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:48
S43	29	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order) and display and (un\$schedul\$4 or schedul \$4)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:49
S44	29	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order)) and display and (un\$schedul\$4 or schedul \$4)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:52
S45	110	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:53
S46	11	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order)) and "705".clas.	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:53
S47	12	((color\$4 shad\$4) with (indicat\$5 or status)) same ((service or work) near2 order)) and "705".clas.	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:55
S48	3	S47 not S46	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 23:01

S49	58	((color\$4 shad\$4) with (indicat\$5 or status)) same (work near2 order)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/21 23:02
S50	90	((color\$4 shad\$4) with (indicat\$5 or status)) same ((work or service) near2 order)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/21 23:03
S51	92	((color\$4 shad\$4) with (indicat\$5 or status)) same ((work or service) near2 (notice or order))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/21 23:03
S52	24642	((production or maintence or job or service) with schedule)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/22 10:47
S53	30	((production or maintence or job or service) with schedule) same ((color\$4 shad\$4) with (status update mark))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/22 10:48
S54	24	("20020095385" | "20040143450" | "20040167798" | "3736409" | "4870576" | "5032989" | "5182705" | "5222209" | "5490097" | "5548506" | "5563994" | "5592664" | "5630069" | "5659768" | "5706452" | "5740549" | "5745110" | "5867155" | "5893074" | "5907490" | "5974391" | "5991732" | "6594633" | "6684196").PN. OR ("7353183").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/22 11:28
S55	0	("2004/0172314").URPN.	USPAT	OR	ON	2008/09/22 11:31
S56	469	(schedul\$ or calendar\$) same (job or task or project) same ((work or employee) near3 order)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/01 14:48
S57	3	(schedul\$ or calendar\$) same (job or task or project) same ((work or employee) near3 order) same (holiday vaction outage)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/01 14:48
S58	2039	(schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:44

S59	470	((schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:48
S60	404	((schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and display	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:48
S61	300	((schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and (graph\$3 or color\$3 or shad\$4 or gray or grey)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:50
S62	25	((schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and (graph\$3 or color\$3 or shad\$4 or gray or grey) and overload and load	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:50
S63	88	((schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with (status or update))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:51
S64	28	("4459663" | "4646238" | "4796194" | "4827423" | "4864507" | "4866628" | "4887218" | "4888692" | "4924385" | "5040123" | "5172313").PN. OR ("5285392").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2008/10/02 11:03
S65	81	((schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with (status or update)) and (real near2 time)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 12:32
S66	23	((schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with ((dynamic or (real near2 time)) and (status or update)))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 12:42

S67	130	("3725650" | "4019027" | "4336589" | "4547851" | "4591983" | "4646238" | "4700318").PN. OR ("4937743").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2008/10/02 12:47
S68	0	((schedul\$4 or calendar\$4) same ((work near2 order) and (schedul\$ or appointment or plan\$5) and unschedul\$ and (emergency outage backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with ((dynamic or (real near2 time)) and (status or update)))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 12:53
S69	0	((schedul\$4 or calendar\$4) same ((work near2 order) and (schedul\$ or appointment or plan\$5) and (emergency and outage and backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with ((dynamic or (real near2 time)) and (status or update)))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 12:53
S70	23	(gantt near3 chart) same schedule same (color shad\$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:27
S71	16	(gantt near3 chart) same schedule same (color shad\$4) and (critical short or emergency)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:30
S72	11	(gantt near3 chart) same schedule same (color shad\$4) and (short or emergency)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:30
S73	3	(gantt near3 chart) same schedule same (color shad\$4) and (emergency or rush or hurry)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:34
S74	5	(gantt near3 chart) same schedule same (color shad\$4) and (unschedul\$)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:36
S75	0	(overload\$ overburden inundate) same schedule same (color shad\$4) and (emergency or rush or hurry)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:46

S76	16	(overload\$ overburden inundate) same schedule same (reasource worker student employee labor)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:46
S77	19	(overload\$ overburden\$ inundat\$3) same schedule same (reasource worker student employee labor)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:47
S78	7	(overload\$ overburden\$ inundat\$3) with (reasource worker student employee labor)same schedule	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:49
S79	3	"7210119".pn.	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/27 11:02

4/ 13/ 2009 9:57:03 AM

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No.: 1154
John W. McElroy et al) GAU: 3623
Application No.: 10/851,663) Examiner: F. Anderson
Filed: May 24, 2004) Attorney Docket No.: 130733-00104
For: PLANNING AND SCHEDULING) Date: January 29, 2009
TOOL ASSISTANT

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed October 29, 2009, please amend the application as follows:

Amendments to the specification begin on page 2 of this Amendment.

Amendments to the claims begin on page 4 of this Amendment.

Amendments to the drawings begin on page 8 of this Amendment.

Remarks begin on page 9 of this Amendment.

IN THE SPECIFICATION:

Please amend the title to read PLANNING AND SCHEDULING TOOL ASSISTANT ASSURING HIGH UTILIZATION OF RESOURCES

Please amend the abstract to read as follows:

Schedulers, Planners, and Maintenance Supervisors in an Industrial facility can use the user interface of the present invention to extremely quickly move work order schedules, status planning, and manage resources. Additionally, key performance indicators or metrics on performance on how well the organization is doing is also cumbersome if not impossible in the current practice in these industrial organizations. The variables of this management include worker, crew, Work Order, Dates, Planning Status, planner, dates, etc. (see tech manual and summary sheets). The invention operates by interfacing with the Computerized Maintenance Management System (CMMS) database in a thoroughly interactive process. The local program constructs a parallel database and reads and feedbacks to the CMMS database frequently to stay current and accurate.

Please amend the paragraph on page 4, lines 1-2, to read:

The variables of this management include worker, crew, Work Order, Dates, Planning Status, planner, dates, etc. (~~see tech manual and summary sheets~~).

Please amend the paragraph on page 10, line 4, to read:

Fig. 1 is an annotated screen shot showing a work week assignment tool according to the preferred embodiment;

Fig. 2 is an annotated screen shot showing the work week assignment tool with work orders coded;

Fig. 3 is a screen shot of a work week management form; and

Fig. 4 is a screen shot of the work week management form with a display of a graph.

Please amend the paragraph on page 12, lines 8-10, to read:

~~PaSTA was developed to allow an organization to take full advantage of EPRIsolutions~~
“Work Control” process creates the discipline driving the best practice process of work-week
management. In addition the organization’s planning and scheduling efforts will reap great
benefits around: rhythm, budgets, morale, cost etc.

Please amend the paragraphs on page 14, lines 10-13, to read:

1. WOs (work orders) scheduled in ~~T0~~ T(0) are populated with hours
2. WOs not scheduled in ~~T0~~ T(0) or unscheduled are copied into T0 as sponsored work, sponsored by and labor update. The WO(s) will remain in their original schedule or unscheduled location.

Please amend the paragraph on page 23, lines 14-18, to read:

Note: This should only be used if you have copied a record and did not intend to or if you no longer want to see the record in PaSTA. If a record is deleted by accident you will have to go the ~~EMPAC~~ system used to create and track work tasks and reschedule the work order and update PaSTA, this will bring the work order back into PaSTA. A message will display if you try to delete the last instance of that record. You will be prompted to continue or not.

IN THE CLAIMS:

Please amend the claims as follows:

1. (Original) A planning and scheduling system ~~running on a computing device~~, the system comprising:

a user interface; and

a computing device in communication with said user interface, said computing device being programmed to implement:

work week sections;

a scheduled job section;

an unscheduled job section;

a short notice outage section;

a planned outage section; and

work orders, wherein the work orders can be moved from one work week section to another work week section, from unscheduled to scheduled, to short notice outage, to planned outage, and to backlog, by dragging and dropping the work orders using said user interface.

2. (Original) The system of claim 1, wherein the scheduled job section and unscheduled job section are simultaneously displayed to a user.

3. (Original) The system of claim 1, wherein when work orders are dropped into a work week section, real time indication of resource loading is determined.

4. (Currently Amended) The system of claim 3, wherein the resource loading is determined based on whether a work group has been ~~over-loaded~~ overloaded with too much work.

5. (Amended) The system of claim 1, wherein the computing device is programmed to implement color coding, and wherein said color coding indicates the status of planning the work order.

6. (Original) The system of claim 5, wherein the status includes whether the work order is complete and ready to work.

7. (Original) The system of claim 1, wherein the ~~system runs on~~ computing device is a networked computer in communication with a database server.

8. (Currently Amended) The system of claim 1, ~~further comprising a~~ wherein said computing device is programmed to control said user interface for displaying the work week sections, scheduled job section, unscheduled job section, short notice outage, planned outage, and work orders.

9. (Currently Amended) The system of claim 1, wherein the ~~system~~ computing device is programmed to be used for scheduling and planning.

10. (Original) The system of claim 1, further comprising a management control for executing the work week sections.

11. (New) The system of claim 5, wherein user defined rules control the color coding.

12. (New) The system of claim 1, wherein the sections are user configurable to display data that the user requires in a manner permitting the user to accomplish planning and scheduling.

13. (New) The system of claim 12, wherein the sections are user configurable through user configurations that are made available to all other users.

14. (New) The system of claim 1, wherein the work orders can be inserted into a time disconnected work week schedule preparatory to being assigned to a fixed schedule when an opportunity occurs.

15. (New) The system of claim 1, wherein the schedules can be locked, one lock for planning purposes and one lock for scheduling, and wherein the locked schedule serves as a baseline for performance measurements on how well the work week was executed.

16. (New) The system of claim 1, wherein the computing device is programmed to allow users to print contents utilizing filters on the work order data.

17. (New) The system of claim 1, wherein a display is provided for a supervisor of the work executing resources for managing the work week.

18. (New) The system of claim 17, wherein a section is provided for the assignment of specific resources to each work order scheduled for that work week on a specific day and time.

19. (New) The system of claim 18, wherein specific resources, personnel and equipment, can be applied to a given work order on a given day by dragging and dropping a resource from a resource palette onto the scheduled day/time the work is to be performed.

20. (New) The system of claim 17, wherein a section is provided to track emergent work occurring during the work week that was unknown prior to schedule lock down, and wherein the emergent work includes sponsored and emergency work.

21. (New) The system of claim 17, wherein performance indicators and metrics are calculated and trended for interpretation of the success of the execution of the work week.

22. (New) The system of claim 17, wherein all unavailable resource time is identified whether personnel vacation, holiday, sick, training, etc. or equipment resource unavailability.

23. (New) The system of claim 15, wherein reasons for deviations from the locked schedule are identified and trended for feedback to leadership.

IN THE DRAWINGS:

Replacement drawings are attached hereto.

REMARKS

I. INTRODUCTION

The Office Action dated October 29, 2009, has been carefully considered. The following remarks are being submitted in response thereto. This paper is believed to be a complete response to the Office Action.

II. STATUS OF THE CLAIMS

Claims 1-10 were originally presented and are pending in the application. Claims 11-23 have been added in the present Amendment. Thus, claims 1-23 are pending.

III. SUMMARY OF THE OFFICE ACTION

In the Office Action, the drawings, specification, and claim 4 were objected to. Claims 1-10 were rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Claims 1-10 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Eller et al* in view of *Pothos et al*.

IV. THE OBJECTIONS TO THE DRAWINGS, SPECIFICATION AND CLAIMS

The Applicants respectfully submit that the present Amendment overcomes the objections to the drawings, the specification, and the claims.

V. THE REJECTIONS OF THE CLAIMS

A. THE REJECTION OF CLAIMS 1-10 UNDER 35 U.S.C. § 101

The Applicants respectfully submit that the present Amendment overcomes the rejection of claims 1-10 under 35 U.S.C. § 101.

B. THE REJECTION OF CLAIMS 1-10 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The Applicants respectfully submit that the present Amendment overcomes the rejection of claims 1-10 under 35 U.S.C. § 112, second paragraph.

C. THE REJECTION OF CLAIMS 1-10 UNDER 35 U.S.C. § 103(a)

Reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) is requested.

The Applicants respectfully submit that the present claimed invention offers a non-obvious improvement over the prior art and would not have resulted from the combination of references proposed in the Office Action. The Office Action acknowledges that *Eller et al* fails to teach a short notice outage, but instead cites *Pothos et al* for that teaching. However, the Applicants respectfully submit that the short-notice tasks as taught in *Pothos et al* are not the same as a short-notice outage section as recited in the present claims.

The Work Week Sections are part of the process of work week management and multiple work weeks (4) are presented on a single screen. Users can manipulate the four work weeks and the Unscheduled section on the screen to achieve the utilization required. All of this is done through unique “dragging and dropping”. The subject invention also “locks the schedule” each week to establish a point to measure the performance of the work week and subsequently has over twenty metrics of performance for each work week. *Eller* does not drive off of any work week process. (It does allow the user to see production items set for a singular period of time such as a week). *Eller* can schedule, but its focus is into production lines and assuring materials are staged accordingly. The subject invention is more focused on maintenance practice in large

industrial environs and therefore is more focused on the integration of the human resource and their efficiency and management to a work process.

The referenced emergency situation section taught by *Pothos* compared to the subject invention's Short Notice Outage is quite different. The subject invention engages the creation of a complete schedule of work of many departments and interfaces in anticipation of an unscheduled availability of equipment to work on. Recognize that some operating equipment is mostly not available to the workforce and when an entire operating system comes off line unanticipated for a short period of time the subject invention permits the creation of an entire schedule of work that was assembled not attached to any dates, and the assignment of that work to a specific schedule. *Pothos* does nothing more than to schedule emergency work onto the schedule after the emergency event happens.

Regarding claim 2, the referenced *Eller* figure shows that the unscheduled work and selected days available on the screen. The subject invention displays "filterable unscheduled work – that is filtered by craft, or crew, unit, etc – and at least four work weeks on the same screen. This display is imperative in work week management and is not supported or anticipated in the *Eller* document.

Regarding claim 3, the *Eller* invention speaks to the assignment of a component to production. When assigned the invention indicates the component is not available. This subject invention tracks the assignment of a large group of human resources. Any assignment is a small part of the availability. Therefore, for a single human resource the subject invention indicates the balance of availability and likewise, for a group of human resources, it indicates the collective balance of availability. It is important to understand that this is immediately visible as work is loaded into the work week.

Regarding claim 4, the *Eller* invention considers the capacity of a production line and its ability to manufacture its output. When orders, or attempts to manufacture beyond the production line's capabilities, the *Eller* invention indicates such impossibility. The subject invention indicates the percentage a group of human resources is overloaded. Then by taking work out of the group, or by adding additional human resources the overload can be corrected.

Regarding claim 5, the *Pothos* invention speaks of color coding as it pertains to certain work activities. The color coding provides insight into the relationship of the work activities. The subject invention pertains to work in which much preparation is necessary. The color coding is important in the communication of the status of planning and whether the work can actually be accomplished. This is important in work week management of human resources to assure efficiency of utilization. The color indicates whether the work has been properly prepared by the various departments of workers prior to the work execution. The color is a highly visible communication as to the status of each departments preparation.

Regarding claim 6, the *Pothos* invention addresses assigning a completion status on a work assignment. It does not anticipate the large amount of preplanning for work in a complex industrial complex. The subject invention tracks the status of the preparation by many departments and when all preparations are made the subject invention will indicate, by color code, that the work order is "ready to work" in that all preparations have been made. The *Pothos* invention does not indicate such preparatory statuses.

Regarding claim 7, the above comments apply.

Regarding claim 8, the present invention is uniquely designed to support human resource management and even equipment management in a complex industrial environ in a new world

class “work week management” process. Such interfaces and displays are so designed to create discipline about the process and results in the high, efficient use of resource.

Regarding claim 9, the present invention is uniquely designed to support human resource management and even equipment management in a complex industrial environ in a new world class “work week management” process. Such interfaces and displays are so designed to create discipline about the process and results in the high, efficient use of resource. The fact that the system is used to plan and schedule resource is by definition.

Regarding claim 10, the present invention is uniquely designed to support human resource management and even equipment management in a complex industrial environ in a new world class “work week management” process. Such interfaces and displays are so designed to create discipline about the process and results in the high, efficient use of resource. It contains unique some 20 work week performance metrics on the efficient utilization of the resources. These metrics provide management unique capability to manage the resources within the disciplined “work week management” process.

Finally, the newly added claims are patentable by virtue of their dependence from claim 1 and depart further from the applied prior art.

VI. CONCLUSION

The application is believed to be in condition for allowance. A notice of allowance as to claims 1-23 is respectfully requested.

If there remain any issues that can be overcome most easily through a telephone communication, the Examiner is invited to telephone the undersigned at the telephone number set forth below.

Please charge any shortage of fees or credit any overpayment thereof to BLANK ROME LLP, Deposit Account No. 23-2185 (130733-00104). It is respectfully submitted that no Petition for Extension of Time is required to accompany the present submission. However, in the event that a separate Petition for an Extension of Time is required to render this submission timely and either does not accompany this submission or is insufficient to render this submission timely, the Applicant herewith petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

~~Respectfully submitted,~~

By: _____

David J. Edmondson
Reg. No. 35,126

BLANK ROME LLP
Watergate 600, 6th Floor
600 New Hampshire Ave., N.W.
Washington, D.C. 20037-2403
(202) 772-5800 (Phone)
(202) 572-8398 (Facsimile)

REPLACEMENT SHEET

100

SELECT A CREW

SELECT A 1st WEEK

LAST UPDATE

UPDATE FOR NEW & EXISTING RECORDS

FILTER AND SUBFILTER

Work Week Report Tool

File Edit

Crew: []

Last Update: [6/3/2002 11:50:57 A] Update

Go to <T> Return to <TD>

SCHEDULED JOBS

W/O ID	Step	Unit	Ph	St	Prog	Mt	P Hrs	S Hrs	WO Description

UNSCHEDULED JOBS

W/O ID	Step	Unit	Ph	St	Prog	Mt	P Hrs	S Hrs	WO Description

FIG. 1

CiM Ex. 1009 Page 208

REPLACEMENT SHEET

100

Work Week Assignment Tool

Group: Mech 1

Filter unscheduled work by: All AND <EMPTY>

Scheduled Work

WR	WO ID	S Hrs	T	Unit	P	WO Description
	1-012703-000	24	CM	F00	80	REPACK HYDROGEN COOLER BACK PRE
	1-012703-000	8	PM	F10	85	'E RIFFLE DISTRIBUTORS
	1-012703-000	4	CM	FFF	62	REPLACE CHECK VALVE I REACT BOOS
	1-012703-000	32	CM	F01	81	REPAIR BROKEN #2 SUB SH INLET DRAIN
	1-012703-000	8	CM	FFF	81	PUMP RUNS BACKWARD - REPAIR #1 RE

8 76 8000

Unscheduled Work

Group	WR	WO ID	S Hrs	T	Unit	P	WO Description
		1-012689-000	77	PM	F06	75	77?
		1-012701-000	77	PM	F00	70	CHECK ???
		1-012705-000	77	CM	F03	45	RESTOCK CHEMICAL
		1-012682-000	16	EN	F00	13	INSPECT ALL WASTE O
		1-012764-000	4	PM	F06	13	WEEKLY DELIVER OF C
		1-012687-000	16	PM	F00	17	AIR CONDITON FILTER
		1-012776-000	8	PM	F03	12	CLEAN COUNTER WEIS
		1-012777-000	8	PM	F00	12	GATPICK & BURN OILS

8 76 9500

Week of 11/26/2001

WR	WO ID	S Hrs	T	Unit	P	WO Description
	1-012689-000	16	PM	F06	75	F RIFFLE DISTRIBUTORS
	1-012701-000	24	PM	F00	70	A FEEDER INSPECT AND LUBE
	1-012705-000	24	CM	F03	45	BOILER INK VENT VALVE
	1-012683-000	24	PR	F00	43	ME TIME FOR BLA INSPECTION

8 76 1100

Week of 12/17/2001

WR	WO ID	S Hrs	T	Unit	P	WO Description
	1-012682-000	16	PR	F01	42	TO CAPTURE TIME FOR PLANNING
	1-012687-000	24	CM	F00	42	FLANGE LEAK 2B ASH PIT
	1-012688-000	8	CM	F01	41	CHECK SEAL #7 A&B M60

8 48 8000

SH Outage Backlog FL Outage Backlog OK

102

104

FIG. 2

CiM Ex. 1009 Page 209

Electronic Patent Application Fee Transmittal

Application Number:	10851663
Filing Date:	24-May-2004
Title of Invention:	Planning and scheduling tool assistant
First Named Inventor/Applicant Name:	John W. McElroy
Filer:	Michael C. Greenbaum/Joan Soll
Attorney Docket Number:	062750-00104

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Claims in excess of 20	2202	3	26	78

Miscellaneous-Filing:

Petition:

Patent-Appeals-and-Interference:

Post-Allowance-and-Post-Issuance:

Extension-of-Time:

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				78

Electronic Acknowledgement Receipt

EFS ID:	4700197
Application Number:	10851663
International Application Number:	
Confirmation Number:	1154
Title of Invention:	Planning and scheduling tool assistant
First Named Inventor/Applicant Name:	John W. McElroy
Customer Number:	27557
Filer:	Michael C. Greenbaum/Joan Soll
Filer Authorized By:	Michael C. Greenbaum
Attorney Docket Number:	062750-00104
Receipt Date:	29-JAN-2009
Filing Date:	24-MAY-2004
Time Stamp:	16:20:29
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$78
RAM confirmation Number	1778
Deposit Account	232185
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1		amendment.pdf	434348 <small>65fea765d173cc997b97ad24fe9c3e73a60279ac</small>	yes	18
Multipart Description/PDF files in .zip description					
		Document Description	Start	End	
		Amendment/Req. Reconsideration-After Non-Final Reject	1	1	
		Specification	2	3	
		Claims	4	7	
		Drawings-other than black and white line drawings	8	8	
		Applicant Arguments/Remarks Made in an Amendment	9	14	
		Drawings-only black and white line drawings	15	18	
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	29750 <small>8a7512ae3a46def77199082470aff068866ed80f</small>	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			464098		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 10/851,663	Filing Date 05/24/2004	<input type="checkbox"/> To be Mailed
---	---	----------------------------------	---------------------------------------

APPLICATION AS FILED – PART I			OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	SMALL ENTITY <input checked="" type="checkbox"/>	OR			
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)
<input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small>	N/A	N/A	N/A			N/A	
<input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small>	N/A	N/A	N/A			N/A	
TOTAL CLAIMS <small>(37 CFR 1.16(i))</small>	minus 20 =	*	X \$ =		OR	X \$ =	
INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small>	minus 3 =	*	X \$ =			X \$ =	
<input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small>	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small>							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II					OTHER THAN SMALL ENTITY				
	(Column 1)	(Column 2)	(Column 3)		SMALL ENTITY	OR			
AMENDMENT	01/29/2009	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	* 23	Minus ** 20	= 3	X \$26 =	78	OR	X \$ =	
	Independent <small>(37 CFR 1.16(h))</small>	* 1	Minus *** 3	= 0	X \$110 =	0	OR	X \$ =	
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>								
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR		
					TOTAL ADD'L FEE	78	OR	TOTAL ADD'L FEE	

	(Column 1)	(Column 2)	(Column 3)					
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)
	Total <small>(37 CFR 1.16(i))</small>	*	Minus **	=	X \$ =		OR	X \$ =
	Independent <small>(37 CFR 1.16(h))</small>	*	Minus ***	=	X \$ =		OR	X \$ =
	<input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small>							
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small>						OR	
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
 /LINDA WISE/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SCORE Placeholder Sheet for IFW Content

Application Number: 10851663 Document Date: 1/29/2009 4:20:29 PM

The presence of this form in the IFW record indicates that the following document type was received in electronic format on the date identified above. This content is stored in the SCORE database.

- Drawings – Other than Black and White Line Drawings

Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

To access the documents in the SCORE database, refer to instructions developed by SIRA.

At the time of document entry (noted above):

- Examiners may access SCORE content via the eDAN interface.
- Other USPTO employees can bookmark the current SCORE URL (<http://es/ScoreAccessWeb/>).
- External customers may access SCORE content via the Public and Private PAIR interfaces.



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
10/851,663 05/24/2004 John W. McElroy 062750-00104 1154

27557 7590 10/29/2008
BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

EXAMINER

ANDERSON, FOLASHADE

ART UNIT PAPER NUMBER

3623

MAIL DATE DELIVERY MODE

10/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/851,663	Applicant(s) MCELROY ET AL.	
	Examiner FOLASHADE ANDERSON	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 May 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 May 2008 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/11/05.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

1. This is the first non-final office action in response to Applicant's submission filed on 05/24/2004. Currently, claims 1-10 are pending.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 02/11/2005 was considered by the Examiner in the prosecution of the claims in the instant application.

Drawings

3. The drawings are objected to because figures 2-4 are omitted from the Brief Description of the Drawings, p. 5, see MPEP 608.01(f) [R-3]. Figure 2 is unreadable however from the specification this figure appears to be exactly the same as figure 1, please clarify the purpose of figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after

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the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Planning and Scheduling Tool Assistant to Increase Efficiency in Real Time Industrial Environments.**

5. The abstract of the disclosure is objected to because undefined acronym "CMMS". The acronym interferes with the purpose of the abstract, which is to allow the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure. Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities:

- p. 4, line 2 "(see tech manual and summary sheets)" it is not clear what the Applicant is trying to reference with this statement.
- p. 14, line 10 "T0" Examiner assumes Applicant is trying to indicate, at time equal to zero i.e. the start time; however the text does not clearly express this concept. Examiner suggests changing the text to "T(0)" to convey this concept.

- The use of undefined acronyms:
 - P. 12, line 8 “EPRI solutions”
 - P.23, line 16 “EMPAC”

Appropriate correction is required.

Claim Objections

7. Claim 4 is objected to because of the following informalities: there appears to be a typographical error of an extra space in "**ove rloaded**" Examiner suggest "overloaded". Appropriate correction is required.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Independent claim 1 includes a plurality of “sections,” which is deemed to be software, with no accompanying hardware components (i.e., a physical system including, inter alia, a processor, server, interface, etc.). See MPEP 2106.

Claims 2-10 depend from claim 1 and therefore suffer similar deficiencies. Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 appears to be a system type claim; however, it fails to recite the required applicable structural components i.e. hardware, for example processor, input device, etc. Claim 1 also appears to be simply un-embodied software and as such non-statutory.

Claims 2-10 depend from claim 1 and therefore suffer similar deficiencies. Appropriate correction is required.

12. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the claim language “the system is used for scheduling and planning” further limits the planning and scheduling system.

13. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites the limitation "**wherein color coding**" in first line of claim 5. There is insufficient antecedent basis for this limitation in the claim.

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Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

16. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eller et al (US 7225,040 B2) in view of Pothos et al (US Patent 7,210,119 B2).

[Claim 1] Eller discloses **a planning and scheduling system running on a computing device, the system comprising:**

work week sections (Eller col. 14, lines 27-31 and col. 20, lines 23-27);

a scheduled job section (Eller fig. 11C, and col. 34, lines 56-57);

an unscheduled job section (Eller fig. 11C, and col. 34, lines 58-61);

a planned outage section (Eller col. 16, lines 56-59).

work orders, wherein the work orders can be moved from one work week section to another work week section, from unscheduled to scheduled, to short notice outage, to planned outage, and to backlog, by dragging and dropping the work orders (Eller col. 34, lines 64-67; where the click and passing aspects of the disclosure are akin to the very old and well known feature of drag and drop and col. 36, lines 34-40).

Eller teaches the scheduled and unscheduled orders as an all inclusive groups, with no distinctions between subgroups with the groups. Eller therefore is silent on **a short notice outage**.

Porthos et al teaches **a short notice outage section** (col. 9, lines 43-49 where an emergency is the equivalent of a short notice)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller the short notice as taught by Porthos since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 2] Eller teaches **the scheduled job section and unscheduled job sections are simultaneously displayed to a user** (Eller fig. 11C).

[Claim 3] Eller teaches **when work orders are dropped into a work week section, real time indication of resource loading is determined** (Eller col. 36, lines 56-61).

[Claim 4] Eller teaches **wherein the resource loading is determined based on whether a work group has been overloaded with too much work** (col. 32, lines 31-34).

[Claim 5] Eller teaches the **status of planning the work order** (col. 10, line 37-39); however Eller is silent on **color coding**.

Pothos teaches teach **color coding** (col. 6, lines 56-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller the color coding as taught by Porthos since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 6] Eller teaches allowing users to option the status of work orders (col. 10, lines 37-39) while it would be obvious to one of ordinary skill in the art that a status of "complete" to any work orders finished by the system would be a logical update; however Eller is silent on marking the status a complete. Thus Eller does not expressly **wherein the status includes whether the work order is complete and ready to work**.

Pothos teaches **status includes whether the work order is complete and ready to work** (col. 4, lines 22-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Eller the complete status as taught by

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Porthos since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

[Claim 7] Eller teaches **wherein the system runs on a networked computer in communication with a database server** (col. 10, lines 22-31).

[Claim 8] Eller teaches **a user interface for displaying the work week sections, scheduled job section, unscheduled job section, short notice outage, planned outage, and work orders** (col. 38, lines 5-16).

Eller teaches a user interface display. Eller does not expressly teach the specific data recited in claims i.e. the text of the display "**the work week sections, scheduled job section, unscheduled job section, short notice outage, planned outage, and work orders**"; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP. 2106.

[Claim 9] Eller teaches **the system is used for scheduling and planning** (col. 2, lines 62-65).

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[Claim 10] Eller teaches **a management control for executing the work week sections** (col. 14, line 27-31).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOLASHADE ANDERSON whose telephone number is (571)270-3331. The examiner can normally be reached on Monday through Thursday 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Folashade Anderson/
Examiner, Art Unit 3623

/Andre Boyce/
Primary Examiner, Art Unit 3623

Notice of References Cited	Application/Control No. 10/851,663	Applicant(s)/Patent Under Reexamination MCELROY ET AL.	
	Examiner FOLASHADE ANDERSON	Art Unit 3623	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A US-7,210,119	04-2007	Pothos et al.	717/102
*	B US-7,225,040	05-2007	Eller et al.	700/100
	C US-			
	D US-			
	E US-			
	F US-			
	G US-			
	H US-			
	I US-			
	J US-			
	K US-			
	L US-			
	M US-			


FOREIGN PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N				
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)				
	U				
	V				
	W				
	X				

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims 	Application/Control No. 10851663	Applicant(s)/Patent Under Reexamination MCELROY ET AL.
	Examiner FOLASHADE ANDERSON	Art Unit 3623

✓	Rejected
=	Allowed


-	Cancelled
÷	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

CLAIM		DATE							
Final	Original	10/27/2008							
	1	✓							
	2	✓							
	3	✓							
	4	✓							
	5	✓							
	6	✓							
	7	✓							
	8	✓							
	9	✓							
	10	✓							

Search Notes 	Application/Control No. 10851663	Applicant(s)/Patent Under Reexamination MCELROY ET AL.
	Examiner FOLASHADE ANDERSON	Art Unit 3623

SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
EAST	10/27/08	FAOA
EIC - book User's Guide fot Microsoft Project (STIC 2100)	10/27/08	FAOA

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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BIB DATA SHEET

CONFIRMATION NO. 1154

SERIAL NUMBER 10/851,663	FILING or 371(c) DATE 05/24/2004 RULE	CLASS 705	GROUP ART UNIT 3623	ATTORNEY DOCKET NO. 062750-00104	
APPLICANTS John W. McElroy, Newtown Square, PA; Sean P. McElroy, Draper, UT; Kirk Samsel, Denver, CO; ** CONTINUING DATA ***** This appln claims benefit of 60/472,414 05/22/2003 and claims benefit of 60/483,111 06/30/2003 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 07/20/2004					
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and Acknowledged <u>/Polashade Anderson/</u> Examiner's Signature	<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY PA	SHEETS DRAWINGS 4	TOTAL CLAIMS 10	INDEPENDENT CLAIMS 1
ADDRESS BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037 UNITED STATES					
TITLE Planning and scheduling tool assistant					
FILING FEE RECEIVED 460	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	23	(gantt near3 chart) same schedule same (color shad\$4)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:27
L2	16	(gantt near3 chart) same schedule same (color shad\$4) and (critical short or emergency)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:30
L3	11	(gantt near3 chart) same schedule same (color shad\$4) and (short or emergency)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:30
L4	3	(gantt near3 chart) same schedule same (color shad\$4) and (emergency or rush or hurry)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:34
L5	5	(gantt near3 chart) same schedule same (color shad\$4) and (unschedul \$)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:36
L6	0	(overload\$ overburden inundate) same schedule same (color shad\$4) and (emergency or rush or hurry)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:46
L7	16	(overload\$ overburden inundate) same schedule same (reasource worker student employee labor)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:46
L8	19	(overload\$ overburden\$ inundat\$3) same schedule same (reasource worker student employee labor)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:47

L9	7	(overload\$ overburden\$ inundat\$3) with (reasure worker student employee labor)same schedule	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/27 10:49
L13	3	"7210119".pn.	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/27 11:02
S1	32	"20020111842" "20020007297" "20020010615" "20020049563" "20020143601" "20020161674" "20030041087" ("5787000" "5835898" "5970437" "6006171" "6421571").pn. "9905684"	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/17 10:54
S2	2	("20020174000" | "20030171970"). PN. OR ("7421372").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:25
S3	158	(planning and scheduling).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:30
S4	6	EPRI solution	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:31
S5	0	(work with week) and (job with schedule) and (unschedule with job) and ((short or emergency or corrective or outage) with notice) and (work adj order)	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:33
S6	108	(preventative with maintenance).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:47
S7	282	(mcelroy-j\$ mcelroy-s\$ samsel-k\$).in.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 11:49
S8	0	(work with week) and (job with schedule) and (unschedule with job) and (work adj order)	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 12:28
S9	0	S7 and S3	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 12:31
S10	0	((job with schedule) and (unschedule with job)and (work adj order)	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/18 13:14
S11	158	(planning and scheduling).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:51
S12	282	(mcelroy-j\$ mcelroy-s\$ samsel-k\$).in.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:51
S13	0	S11 and S12	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/19 16:51
S14	6	EPRI solution	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:52
S15	6	S14	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/19 16:52
S16	0	((job with schedule) and (unschedule with job)and (work adj order)	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:52
S17	0	S16	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/19 16:52

S18	108	(preventative with maintenance).ab.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:52
S19	0	S12 and S18	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/19 16:52
S20	208	(planning and scheduling) and (preventative with maintenance)	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:53
S21	3	S20 and S12	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 16:53
S22	655	(planning and scheduling).ab.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:54
S23	472	(mcelroy-j\$ mcelroy-s\$ samsel-k\$).in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:54
S24	0	S23 and S22	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:54
S25	0	((job with schedule) and (unschedule with job) and (work near2 order)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:54
S26	0	((production or maintence or job) with schedule) and (unschedule with job) and (work near2 order)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:55
S27	10573	(production or maintence or job) with schedule	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:55
S28	0	S12 and S27	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:55
S29	56409	((job or work or task) near2 (request or order))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:57

S30	1097	S27 and S29 and display and interface	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:58
S31	273	S27 and S29 and display and interface and "705".clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:58
S32	1049	(planning and scheduling) near3 system	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:59
S33	41	S31 and S32	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 16:59
S34	424	(schedul\$4 with (job order task assignment)) and (unschedul\$4 with (job order task assignment))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:04
S35	46	S34 and S32	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:04
S36	6	S34 and S32 and (drag near2 drop)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:05
S37	12	("5231567" | "5559708" | "5657453" | "5960164" | "5982996" | "5991783" | "6036345" | "6067406" | "6167382" | "6247507" | "6415196" | "6611727"). PN. OR ("7225040").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/19 17:10
S38	113	S27 and S29 and display and interface and (drag near2 drop)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:14

S39	9	S27 and S29 and display and interface and (drag near2 drop) and S34	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:14
S40	4	S39 not S36	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/19 17:15
S41	110	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:47
S42	81	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order) and display	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:48
S43	29	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order) and display and (un\$schedul\$4 or schedul\$4)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:49
S44	29	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order) and display and (un\$schedul\$4 or schedul\$4)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:52
S45	110	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:53
S46	11	((color\$4 shad\$4) with (indicat\$5 or status)) same (work with order)) and "705".clas.	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:53
S47	12	((color\$4 shad\$4) with (indicat\$5 or status)) same ((service or work) near2 order)) and "705".clas.	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 22:55
S48	3	S47 not S46	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/09/21 23:01
S49	58	((color\$4 shad\$4) with (indicat\$5 or status)) same (work near2 order)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/21 23:02
S50	90	((color\$4 shad\$4) with (indicat\$5 or status)) same ((work or service) near2 order)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/21 23:03
S51	92	((color\$4 shad\$4) with (indicat\$5 or status)) same ((work or service) near2 (notice or order))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/21 23:03

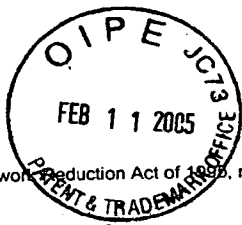
S52	24642	((production or maintence or job or service) with schedule)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/22 10:47
S53	30	((production or maintence or job or service) with schedule) same ((color\$4 shad\$4) with (status update mark))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/09/22 10:48
S54	24	("20020095385" | "20040143450" | "20040167798" | "3736409" | "4870576" | "5032989" | "5182705" | "5222209" | "5490097" | "5548506" | "5563994" | "5592664" | "5630069" | "5659768" | "5706452" | "5740549" | "5745110" | "5867155" | "5893074" | "5907490" | "5974391" | "5991732" | "6594633" | "6684196").PN. OR ("7353183").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2008/09/22 11:28
S55	0	("2004/0172314").URPN.	USPAT	OR	ON	2008/09/22 11:31
S56	469	(schedul\$ or calendar\$) same (job or task or project) same ((work or employee) near3 order)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/01 14:48
S57	3	(schedul\$ or calendar\$) same (job or task or project) same ((work or employee) near3 order) same (holiday vaction outage)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2008/10/01 14:48
S58	2039	(schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:44
S59	470	(schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:48
S60	404	(schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and display	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:48
S61	300	(schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and (graph\$3 or color\$3 or shad\$4 or gray or grey)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:50

S62	25	((schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and (graph\$3 or color\$3 or shad\$4 or gray or grey) and overload and load	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:50
S63	88	((schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with (status or update))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 10:51
S64	28	("4459663" | "4646238" | "4796194" | "4827423" | "4864507" | "4866628" | "4887218" | "4888692" | "4924385" | "5040123" | "5172313").PN. OR ("5285392").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2008/10/02 11:03
S65	81	((schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with (status or update)) and (real near2 time)	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 12:32
S66	23	((schedul\$4 or calendar\$4) same ((work near2 order) (purchase near2 order)) and ((schedul\$ or appointment or plan\$5) and (unschedul\$ emergency outage backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with ((dynamic or (real near2 time)) and (status or update)))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 12:42
S67	130	("3725650" | "4019027" | "4336589" | "4547851" | "4591983" | "4646238" | "4700318").PN. OR ("4937743").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2008/10/02 12:47
S68	0	((schedul\$4 or calendar\$4) same ((work near2 order) and (schedul\$ or appointment or plan\$5) and unschedul\$ and (emergency outage backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with ((dynamic or (real near2 time)) and (status or update)))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 12:53

S69	0	(schedul\$4 or calendar\$4) same ((work near2 order) and (schedul\$ or appointment or plan\$5) and (emergency and outage and backlog)) and (screen or display) and ((graph\$3 or color\$3 or shad\$4 or gray or grey) with ((dynamic or (real near2 time)) and (status or update)))	US-PGPUB; USPAT; EPO; DERWENT	OR	ON	2008/10/02 12:53
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10/27/2008 11:39:20 AM

C:\Documents and Settings\fangerson\My Documents\EAST\Workspaces\10851663.wsp



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Application Number	10/851,663
Filing Date	May 24, 2004
First Named Inventor	John W. McElroy
Art Unit	3623
Examiner Name	Unassigned
Attorney Docket Number	062750-00104

Sheet 1 of 1

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-2002/0111842	08-15-02	Miles	
		US-2002/0007297	01-17-02	Clarke	
		US-2002/0010615	01-24-02	Jacobs	
		US-2002/0049563	04-25-02	Vetter, et al.	
		US-2002/0143601	10-03-02	Sinex	
		US-2002/0161674	10-31-02	Scheer	
		US-2003/0041087	02-27-03	Pothos, et al.	
		US-5,787,000	07-28-98	Lilly, et al.	
		US-5,835,898	11-10-98	Borg, et al.	
		US-5,970,437	10-119-99	Gorman, et al.	
		US-6,006,171	12-21-99	Vines, et al.	
		US-6,421,571	07-16-02	Spriggs, et al.	
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 99/05684	02-04-99	Vines, et al.		

Examiner Signature: /Folashade Anderson/ (09/16/2008) Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /F.A./ (09/16/2008)

PLUS Search Results for S/N 10851663, Searched Wed Sep 17 09:46:39 EDT 2008

The Patent Linguistics Utility System (PLUS) is a USPTO automated search system for U.S. Patents from 1971 to the present PLUS is a query-by-example search system which produces a list of patents that are most closely related linguistically to the application searched. This search was prepared by the staff of the Scientific and Technical Information Center, SIRA.

6292830 77
7421372 72
5185780 71
5289368 71
5325292 71
5911134 71
4887218 68
5787000 68
6088626 68
6415259 68
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5524077 68
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7212986 66
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6006171 64
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6141647 63
6345259 63
20070185754 63
6397197 62
5434792 62

ZFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
John W. McElroy	)	GAU: 3623
Serial No. 10/851,663	)	Examiner: Unassigned
Filed: May 24, 2004	)	Attorney Docket No. 062750-00104
For: PLANNING AND SCHEDULING TOOL ASSISTANT	)	Date: December 12, 2005

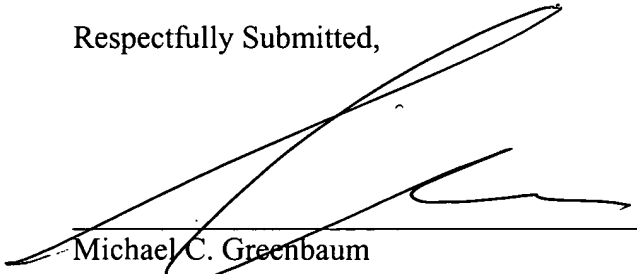
STATUS INQUIRY

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that Applicants' attorney be advised of the current status of the above-identified application as well as the anticipated date of action by the U.S. Patent and Trademark Office.

Respectfully Submitted,



Michael C. Greenbaum
Registration No. 28,419

BLANK ROME LLP
Watergate 600, 11th Floor
600 New Hampshire Avenue, NW
Washington, DC 20037-2485
Telephone 202-772-5800
Facsimile 202-772-5858

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2003

Application or Docket Number

10851663

CLAIMS AS FILED - PART I

(Column 1) (Column 2)

TOTAL CLAIMS	10	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	10 minus 20=	*
INDEPENDENT CLAIMS	1 minus 3 =	*
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

SMALL ENTITY TYPE

OR OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	385.00
X\$ 9=	/
X43=	/
+145=	/
TOTAL	385.

RATE	FEE
BASIC FEE	770.00
X\$18=	
X86=	
+290=	
TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2

3/21/05 **CLAIMS AS AMENDED - PART II**

(Column 1) (Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	10 Minus	** 20	=
	Independent	1 Minus	*** 3	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>				

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X\$ 9=	/
X43=	/
+145=	/
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	/
X86=	/
+290=	
TOTAL ADDIT. FEE	

(Column 1) (Column 2) (Column 3)

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	* Minus	**	=
	Independent	* Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>				

RATE	ADDITIONAL FEE
X\$ 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X86=	
+290=	
TOTAL ADDIT. FEE	

(Column 1) (Column 2) (Column 3)

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	* Minus	**	=
	Independent	* Minus	***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>				

RATE	ADDITIONAL FEE
X\$ 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X86=	
+290=	
TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

JFW



Docket No. 062750-00104

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

3623

IN RE APPLICATION OF: John W. McElroy

GAU: Unassigned

SERIAL NO: 10/851,663

EXAMINER: Unassigned

FILED: May 24, 2004

FOR: Planning and Scheduling Tool Assistant

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA. 22313-1450

SIR:

Transmitted herewith is an amendment in the above-identified application.

- No additional fee is required
- This application qualifies for small entity status. 37 C.F.R. §1.27.
- Additional documents filed herewith:

Claims	Claims Remaining	Highest Number Prev. Paid		Number of Extra Claims	Rate	Fee
Total	10	20	-20	0	\$50	\$0.00
Independent	1	3	-3	0	\$200	\$0.00
<input type="checkbox"/> Multiple Dependent Claims					\$360	\$0.00
TOTAL OF ABOVE CALCULATIONS						\$0.00
<input type="checkbox"/> Reduction by 50% for filing by Small Entity						\$0.00
<input type="checkbox"/> Recordation of Assignment					\$40.00	\$0.00
TOTAL						\$0.00

A check in the amount of _____ is attached.

Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 23-2185. A duplicate copy of this sheet is enclosed.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 23-2185. A duplicate copy of this sheet is enclosed.

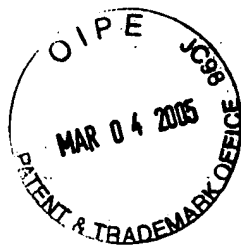
Blank Rome LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037
TEL (202) 944-3000
FAX (202) 572-8398

BLANK ROME LLP

David J. Edmondson
Registration No. 35,126

Customer No. 27557

Date: March 4, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
John W. McElroy	) Art Unit: 3623
)
Application No.: 10/851,663	) Examiner: Not yet assigned
)
Filed: May 24, 2004	) Atty. Dkt.: 062750-00104
)
Confirmation No.: 1154)
)
For: PLANNING AND SCHEDULING)
TOOL ASSISTANT)

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Before examination of the above-captioned patent application on the merits, please amend the application as follows.

Amendments to the specification begin on page 2.

Remarks begin on page 3.

In the Specification:

Please amend the following paragraph at page 23, beginning at line 14 and ending at line 18, as follows:

--Note: This should only be used if you have copies a record and did not intend to or if you no longer wan to see the record in PaSTA. If a record is deleted by accident you will have to go the ~~EMPAC~~ CMMS and reschedule the work order and update PaStA, this will bring the work order back into PaSTA. A message will display if you try to delete the last instance of that record. You will be prompted to continue or not.--

REMARKS

This Preliminary Amendment is submitted to correct a minor typographical error. Since a person having ordinary skill in the art would have recognized what was intended, no new matter is added.

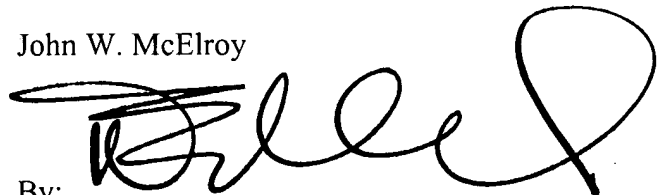
Early and favorable action on the present application is respectfully solicited.

In the event there are any questions relating to this Preliminary Amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Please charge any shortage of fees or credit any overpayment thereof to BLANK ROME LLP, Deposit Account No. 23-2185 (062750-00104).

Respectfully submitted,

John W. McElroy

A handwritten signature in black ink, appearing to read 'D. Edmondson', with a large, stylized loop at the end.

By:
David J. Edmondson
Reg. No. 35,126

BLANK ROME LLP
The Watergate Building, Suite 1100
600 New Hampshire Avenue, N.W.
Washington, D.C. 20037
Telephone 202-772-5800
Facsimile 202-772-5858



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/851,663	05/24/2004	Jack McElroy	062750-00104

CONFIRMATION NO. 1154

FORMALITIES LETTER



OC000000013282416

27557
 BLANK ROME LLP
 600 NEW HAMPSHIRE AVENUE, N.W.
 WASHINGTON, DC 20037

Date Mailed: 07/20/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$450** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

02/14/2005 SZENDIE1 00000116 232185 10851663

02 FC:2001 395.00 DA
 03 FC:2051 65.00 DA

A copy of this notice MUST be returned with the reply.

Chantel

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

1820
\$



PTO/SB/17 (12-04)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Acts of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number
Effective on 12/08/2004.
As pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL
For FY 2005**

Complete if Known

Application Number	10/851,663
Filing Date	May 24, 2004
First Named Inventor	John W. McElroy
Examiner Name	UNASSIGNED
Art Unit	3623
Attorney Docket No.	062750-00104

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT | (\$) 1145.00

METHOD OF PAYMENT (check all that apply)

- Check Credit Card Money Order None Other (please identify): _____
- Deposit Account Deposit Account Number: 23-2185 Deposit Account Name: Blank Rome LLP
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
- Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims -20 or HP = _____ x _____ = _____ **Multiple Dependent Claims**

HP=highest number of total claims paid for, if greater than 20 **Fee (\$)** **Fee Paid (\$)**

Indep. Claims -3 or HP = _____ x _____ = _____ **Fee (\$)** **Fee Paid (\$)**

HP=highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
-100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	_____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)	
Other: Late Filing Surcharge (\$65.00) and Extension Fee (\$1080.00 - five months)	\$1145.00

SUBMITTED BY		
Signature		Registration No. (Attorney/Agent) 35,126
Name (Print/Type)	David J. Edmondson	Telephone 202 772-5838
		Date February 11, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
If you need assistance in completing the form, 1-800-PTO-9199 and select option 2.



Docket No. 062750-00104

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John W. McElroy
Serial No: 10/851,663
Filed: May 24, 2004
For: PLANNING AND SCHEDULING TOOL ASSISTANT

GAU: 3623
Confirmation No. 1154
Examiner: UNASSIGNED

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application dated July 20, 2004 (copy attached), the following are enclosed:

- Fee Transmittal Form;
- Small Entity Status is claimed;
- \$65.00 surcharge in response to the Notice to File Missing Parts;
- \$1080.00 for a one month extension of time;
- Executed Declaration/Power of Attorney;
- \$ surcharge for originally filing a non-English language application;
- Verified English language translation of the originally filed non-English application; and

Applicants(s) are also submitting the following:

- Request for Corrected Filing Receipt;
- An Information Disclosure Statement;
- Form PTO-1449 and 1 reference(s);
- Priority Application No. filed ;
- Executed Assignment with Form PTO-1595; and
- \$ recordation of Assignment fee.

Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 23-2185. A duplicate copy of this sheet is enclosed.

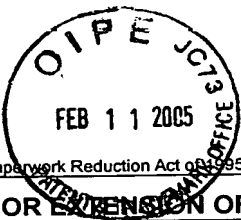
If these papers are not considered timely filed by the Patent & Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time may be charged to Deposit Account No. 23-2185. A duplicate copy of this sheet is enclosed.

Blank Rome LLP
600 New Hampshire Avenue, N.W.
Washington, DC 20037
Tel: (202) 772-5800
Fax (202) 572-8398
Customer No.: 27557

Date: February 11, 2005

Respectfully submitted,

David J. Edmondson
Attorney of Record
Registration No. 35,126



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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) Docket Number: 062750-00104

Serial Number: 10/851,663 Confirmation Number: 1154 Filed: May 24, 2004

Inventor(s): John W. McElroy

For: PLANNING AND SCHEDULING TOOL ASSISTANT

Art Unit: 3623 Examiner: UNASSIGNED

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fees are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entry Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input checked="" type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ <u>1,080.00</u>

- Applicant claims small entity status. See 37 CFR 1.27.
- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 23-2185

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

02/14/2005 SZEWDIE1 00000116 232185 10851663

- I am the
- applicant/inventor.
 - assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96)
 - attorney or agent of record. Registration Number 35,126
 - attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

01 FC:2255 1080.00 DA

Blank Rome LLP
600 New Hampshire Avenue, N.W.
Washington, DC 20037
Tel: (202) 772-5800
Fax: (202) 572-8398
Customer No.: 27557

Respectfully submitted,

Michael C. Greenbaum
3/5/26

Date: February 11, 2005

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total 2 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket: 062750-00104

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: PLANNING AND SCHEDULING TOOL ASSISTANT

The specification of which

is attached hereto

was filed on May 24, 2004 as United States Application Number or PCT International

Application Number 10/851,663 and (if applicable) was amended on

I hereby authorize our attorneys to insert the serial number assigned to this application.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 USC §119

Table with 4 columns: APPLICATION NO., COUNTRY, DAY/MONTH/YEAR FILED, PRIORITY CLAIMED

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. §119(e)

Table with 2 columns: APPLICATION NUMBER, FILING DATE

I hereby claim the benefit under 35 U.S.C. §120 of any United States application, or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

PRIOR U.S./PCT INTERNATIONAL APPLICATION(S) DESIGNATED FOR BENEFIT UNDER 35 U.S.C. §120

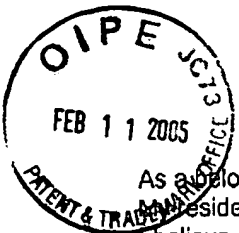
Table with 3 columns: APPLICATION NO., FILING DATE, STATUS — PATENTED, PENDING, ABANDONED

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith: Victor M. Wigman, Reg. No. 25,201; George C. Myers, Jr., Reg. No. 27,040; Donald R. Greene, Reg. No. 22,470; Michael C. Greenbaum, Reg. No. 28,419; Charles R. Wolfe, Jr., Reg. No. 28,680; Michael D. White, Reg. No. 32,795; Brian C. Jones, Reg. No. 37,857; David J. Edmondson, Reg. No. 35,126; Denise C. Lane, Reg. No. 42,780; Peter Weissman, Reg. No. 40,220; Brian WM. Higgins, Reg. No. 48,443; Minh-Quan K. Pham, Reg. No. 50,594; Thomas L. Willis, Jr., Reg. No. 53,778; Tara L. Hoffman, Reg. No. 46,510; and Mark D. Pratt, Reg. No. 45,794.

Correspondence Address:

Blank Rome LLP
600 New Hampshire Avenue, N.W.
Washington, DC 20037
TEL (202) 772-5800 FAX (202) 572-8398
Customer No: 27557

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of sole or first inventor (given name, family name): John W. McElroy	
Signature: <i>John W. McElroy</i>	Date: 15 JAN 2005
Residence: Newtown Square, PA	Citizenship: US
Mailing Address: 51 Street Road, Newtown Square, PA 19073	

Full Name of additional joint inventor (given name, family name): Sean P. McElroy	
Signature: <i>Sean P. McElroy</i>	Date: 08 FEB 2005
Residence: Draper, Utah	Citizenship: US
Mailing Address: Same as residence.	

Full Name of additional joint inventor (given name, family name): Kirk Samsel	
Signature: <i>Kirk Samsel</i>	Date: 08 FEB 2005
Residence: Denver, CO.	Citizenship: US
Mailing Address: Same as residence.	

Full Name of additional joint inventor (given name, family name):	
Signature:	Date:
Residence:	Citizenship:
Mailing Address: Same as residence.	

Full Name of additional joint inventor (given name, family name):	
Signature:	Date:
Residence:	Citizenship:
Mailing Address: Same as residence.	

Additional joint inventors are named on separately numbered sheets attached hereto.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John W. McElroy
Serial No: 10/851,663
Filed: May 24, 2004
For: PLANNING AND SCHEDULING TOOL ASSISTANT

GAU: 3623
Confirmation No. 1154
Examiner: UNASSIGNED

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:
Applicant(s) wish to disclose the following information.

REFERENCES

- The applicant(s) wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- A check is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- Attached is a copy of applicant's pending application(s) or issued patent(s) which may be related to the present application. These documents are listed on form PTO-1449, also attached.
- A check is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- Each item of information contained in this information disclosure statement was cited for the first time in any communication from a foreign patent office in any counterpart foreign application not more than three months prior to the filing of this statement.
- No item of information contained in this information disclosure statement was cited for the first time in any communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.
- This Information Disclosure Statement is being filed within three months of the filing date of the subject patent application.
- This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits.

PETITION

- Applicant(s) hereby request consideration of the attached information. A check is attached in the amount of the Petition fee required under 37 CFR §1.17(i)(1).

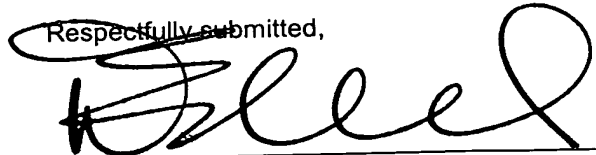
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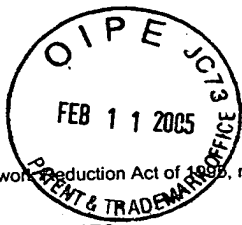
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Customer No.: 27557

Date: February 11, 2005

Respectfully submitted,



David J. Edmondson
Attorney of Record
Registration No. 35,126



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Substitute for form 1449A/PTO

Complete if Known

Application Number	10/851,663
Filing Date	May 24, 2004
First Named Inventor	John W. McElroy
Art Unit	3623
Examiner Name	Unassigned
Attorney Docket Number	062750-00104

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet | 1 | of | 1

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Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-2002/0111842	08-15-02	Miles	
		US-2002/0007297	01-17-02	Clarke	
		US-2002/0010615	01-24-02	Jacobs	
		US-2002/0049563	04-25-02	Vetter, et al.	
		US-2002/0143601	10-03-02	Sinex	
		US-2002/0161674	10-31-02	Scheer	
		US-2003/0041087	02-27-03	Pothos, et al.	
		US-5,787,000	07-28-98	Lilly, et al.	
		US-5,835,898	11-10-98	Borg, et al.	
		US-5,970,437	10-119-99	Gorman, et al.	
		US-6,006,171	12-21-99	Vines, et al.	
		US-6,421,571	07-16-02	Spriggs, et al.	
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FOREIGN PATENT DOCUMENTS						
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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 99/05684	02-04-99	Vines, et al.		

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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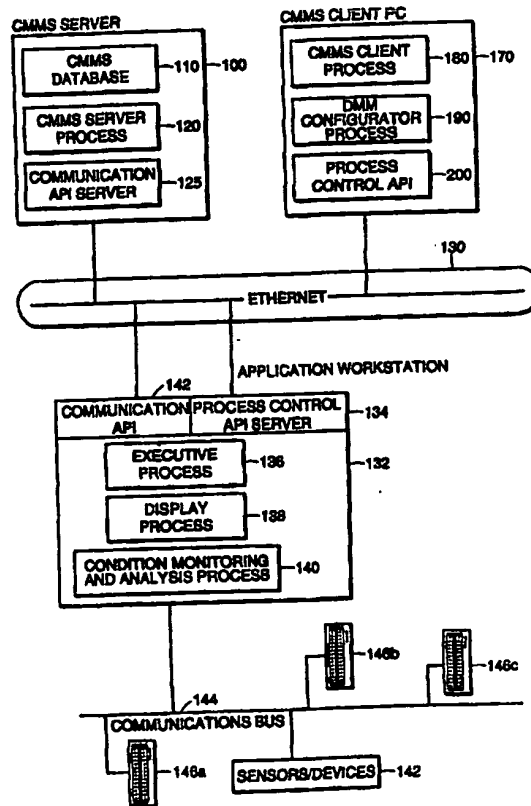
INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification 6 : G21C 7/36	A1	(11) International Publication Number: WO 99/05684
(21) International Application Number: PCT/US98/13317	(22) International Filing Date: 25 June 1998 (25.06.98)	(43) International Publication Date: 4 February 1999 (04.02.99)
(30) Priority Data: 08/901,847 28 July 1997 (28.07.97) US	(81) Designated States: European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE).	
Published <i>With international search report.</i>		
(71) Applicant: THE FOXBORO COMPANY [US/US]; 33 Commercial Street, Foxboro, MA 02035 (US).		
(72) Inventors: VINES, Caroline, J.; 3 Fletcher Street, Foxboro, MA 02035 (US). KOMARLA, Sharath; 2304 Village Road West, Norwood, MA 02062 (US). LEROY, Houghton, S., Jr.; 22 Bishop Road, Rochester, MA 02770 (US). MCGUIRE, Richard, A.; 11 Whitney Lane, Upton, MA 01562 (US).		
(74) Agent: HENNESSEY, Gilbert, H.; Fish & Richardson P.C., 225 Franklin Street, Boston, MA 02110-2804 (US).		

(54) Title: DYNAMIC MAINTENANCE MANAGEMENT SYSTEM

(57) Abstract

A computerized maintenance management system for the process control environment which integrates a CMMS system (110) with a process control system (134). The system includes configurator software which allows users to link process control data and maintenance management data (190) using a graphical user interface (130). Integration provides the ability to identify conditions requiring work order response and to either automatically respond to such conditions or to notify plant operators and engineers of required actions. The integrated system can easily associate work orders, maintenance history and equipment health with operational assets using process control objects such as motors, valves, pumps, alarms, and other device display icons.



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- 1 -

Dynamic Maintenance Management SystemBackground of the Invention

Computerized maintenance management systems (CMMS) are tools for planning and scheduling equipment maintenance and asset management to meet the needs of modern plants and facilities. Using information about system components, CMMS software schedules maintenance, repairs, and inspections of such components. CMMS software notifies operations personnel when maintenance or other action is necessary. One example of CMMS software is the MAXIMO system, offered by Project Software & Development, Inc. (PSDI), of Cambridge, Massachusetts.

Process control software is used in plants and other facilities to monitor, record, and control process conditions. Process control software models system processes using process variables. A process variable may be used to model a characteristic of a system component. A process variable has a range of values corresponding to a possible range of conditions of the aspect of the process being modeled by the process variable. Process control software may obtain process variable data through a number of means including manual input, sensor input, and interpolation and extrapolation from previous data. A process variable may, for example, obtain temperatures from a temperature sensor.

The values of process variables can be set and monitored, and alarms can be signaled upon detection of error conditions. Process variable histories are recorded and can be archived, printed in reports or displayed in graphs, or fed back into the process control software. One example of process control software is the I/A Series system from the Foxboro Company of Foxboro, Massachusetts. Foxboro Company is a subsidiary of Siebe PLC.

- 2 -

Summary of the Invention

The invention relates to the integration or dynamic linkage of CMMS software and process control software. In one aspect, the invention features computer software for enabling sharing of data between process control software running on one computer and maintenance management software running on another computer. The communication may consist of using a graphical user interface to enable a user to associate process variables used by the process control software with equipment identifiers used by the maintenance management software. The user associates a process variable with an equipment identifier by selecting a process variable from a list and dragging the process variable to the desired equipment identifier. The user can specify, also using a graphical user interface, a monitoring type or alarm type and related parameters to associate with the link.

The invention facilitates the consistent, timely collection of equipment-related data that is of central importance in maintenance management. This data is collected through a combination of real-time electronic interfaces and intuitive data entry screens. Through user-established automatic data feeds from the process control software to a condition monitoring module, the invention integrates operations and maintenance. Using the invention, data need only be entered once, thus eliminating redundant data entry and decreasing the time needed for data entry and the possibility of entry errors.

The use of collected maintenance data to derive accurate and detailed downtime records and equipment failure analysis enables the frequencies and root causes of component failures and equipment downtime to be identified. Using such information, maintenance

- 3 -

personnel can respond accordingly and control room operators can make better-informed decisions and engage in more proactive planning. This results in increased performance and predictability of equipment and operations, and reduced maintenance costs.

The invention provides fast access to maintenance information on any operational asset monitored by the system. Operations can be easily linked manually or automatically with the maintenance software to quickly respond to process conditions requiring work order response. All personnel have instant access to the same centrally located information for consistently faster responses to maintenance needs. This translates into improved equipment reliability, increased productivity and reduced operational costs while satisfying asset management requirements.

Brief Description of the Drawings

FIG. 1 is a block diagram of the relationships among components of the preferred embodiment.

FIG. 2 is a block diagram of the flow of data among the components of the preferred embodiment.

FIG. 3 is a screenshot of the DMM configurator main dialog box.

FIG. 4 is a screenshot of the DMM configurator runtime monitoring dialog box.

FIG. 5 is a screenshot of the DMM configurator system alarm monitoring dialog box.

FIG. 6 is a screenshot of the preventive maintenance screen.

FIG. 7 is a screenshot of the condition monitoring screen.

FIG. 8 is a screenshot of the equipment history Screen.

- 4 -

FIG. 9 is a screenshot of the work order requests screen.

FIG. 10 is a screenshot of the work order status report screen.

5 Detailed Description of the Preferred Embodiments

In the preferred embodiment, process control software such as Foxboro's I/A Series system is integrated with CMMS software such as PSDI's MAXIMO using common Application Programmer Interfaces (APIs). The
10 result of this integration will be referred to as the dynamic maintenance management (DMM) system. To integrate the existing process control and CMMS client software existing on a PC, the user installs configurator software on the PC which allows the user to link
15 information between the process control software and the CMMS software. The configurator software is installed using a standard installation program. As an example of an implementation of the configurator, source listings in C++ are contained in the Microfiche Appendix. The source
20 code makes use of the definitions contained in Appendix A hereto.

Integration of the process control software with the CMMS software may also require expanding the lengths of certain fields in the CMMS database. When using
25 PSDI's MAXIMO system, for example, the length of the EQNUM column in the Equipment Table is expanded from 8 to 14, the length of the EQ14 column in the Equipment Table is expanded from 1 to 40, and the length of the POINTNUM column in the Measurepoint Table is expanded from 8 to
30 14.

Referring to FIG. 1, a CMMS server 100 contains a CMMS database 110 and runs a CMMS server process 120 which interfaces with other processes through a communication API server 125 over a network 130, such as

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an Ethernet network. A CMMS client personal computer (PC) 170 runs a CMMS client process 180 and a DMM configurator process 190 which interfaces with other processes over a network 130 through a process control API 200. In the preferred embodiment, the DMM configurator process 190 is FoxBoro's Dynamic Maintenance Management (DMM) configurator process, and the process control API 200 is Foxboro's Net FoxAPI.

An application workstation 132 runs a process control API server 134 which communicates over a network 130 using TCP/IP. In the preferred embodiment, the application workstation 132 is a Foxboro AW51 station and the process control API server 134 is a Foxboro Net FoxAPI server. An executive process 136 performs housekeeping tasks such as polling for changes to a configuration by the DMM configurator process 190. A display process 138 provides a graphical user interface for control room operators to, e.g., access the CMMS Database 110 for information such as equipment history, or issue work order requests. A condition monitoring and analysis process 140 sends and receives process control data to and from sensors and devices 142 over a communications bus 144. In the preferred embodiment, the communications bus 144 is Foxboro's NODEBUS. Other computers and devices used in the process control system 146a-c are also communicated with over the communications bus 144.

Referring to FIG. 2, in the preferred embodiment the DMM configurator process 190 resides on a personal computer (PC) client 170. In the preferred embodiment, the DMM configurator process 190 is implemented using Microsoft Visual C++. The DMM configurator process 190 interfaces with the CMMS database 110 residing on the CMMS server 100 to obtain equipment and measurement point names and identifiers already established in the CMMS

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system through calls to the Microsoft Visual C++ ODBC library 220. The ODBC library interfaces with Intersolv 16-bit ODBC drivers 230 which reside on the PC Client 170. The ODBC drivers 230 use TCP/IP to communicate with
5 the CMMS database 110.

The DMM configurator process 190 obtains process variable information from the process control system by calls to the Net FoxAPI library 200. The Net FoxAPI library 200 uses TCP/IP to communicate with the Net
10 FoxAPI server 134 which resides on the process control application workstation 132, in this case an AW51 station. The Net FoxAPI server 134 accesses an I/A Series CSA Server 270 to obtain process variable information which is then sent back to the DMM
15 configurator process 190.

The DMM configurator process 190 conveys configuration information to the DMM monitoring and executive software on the process control application workstation 132 by writing the new or updated
20 configuration file 240 to a specific directory on the process control application workstation 132 using the Net FoxAPI 134. The DMM executive process 136 polls periodically for an updated configuration file 240, then notifies the monitoring processes 140. The monitoring
25 processes 140 then read the new configuration file 240.

Integration of the CMMS software and the process control software is achieved by using the DMM configurator process 190, which allows the user to create configurations which link process variables in the
30 process control software to equipment data stored in the CMMS database. The DMM configurator process 190 is used to establish parameters including: selection of process control monitoring station, association of equipment tag names in the maintenance database with process control
35 variables, monitoring type per device, monitoring scan

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frequencies, warning and action filter limits, selection of system alarm and process alarm devices, and conditions for generating work order requests.

In the preferred embodiment, the configurator is implemented as a computer program in Visual C++. It obtains equipment information from the CMMS database 110 using Structured Query Language (SQL) calls through Intersolv ODBC drivers 230, and the configurator obtains process variables from the I/A Series system using Foxboro's Net FoxAPI.

The DMM configurator process 190 displays a main dialog box 400 (FIG. 3) to the user. The dialog box contains two sub-windows 450a, 450b. The sub-window on the left 450a displays process variables used in the process control software. The sub-window on the right 450b displays measurement points or identification numbers or other identifiers (IDs) of equipment stored in the CMMS database. Indentation is used in both 450a and 450b to show sub-fields of process variables and equipment IDs, respectively. To create a link between a process variable listed in 450a and a piece of equipment listed in 450b, the user performs the following steps:

- (1) Click on a process variable displayed in 450a.
- (2) Drag and drop the process variable onto an equipment ID or measurement point displayed in 450b.
- (3) Click the New button 460 and select the monitoring or alarm type from among the following choices: runtime (for tracking equipment runtimes for preventive maintenance), point (for tracking process variable values for condition monitoring), system alarm (for tracking equipment alarm conditions for condition monitoring), and process alarm (for tracking process variable alarm conditions for condition monitoring). An appropriate dialog box will then be displayed for the monitoring or alarm type chosen. The dialog box for

runtime monitoring is shown in FIG. 4. The dialog box for system alarm monitoring is shown in FIG. 5.

(4) From the dialog box that appears after performing step (3), choose the parameter values desired from the list in Table 1.

Monitoring or alarm type	Parameter
Runtime	Scan rate frequency
Point	Scan rate, high and low warning levels, and high and low action levels
Process Alarm	Alarm type
System Alarm	Alarm subsystem and associated alarm codes.

Table 1

The existence of a link between a process variable and a piece of equipment is indicated in the equipment column 450b, as shown in FIG. 3, by the presence of a linked process variable name displayed in parentheses after an equipment ID or measurement point.

Along the bottom of the dialog box 400 are two frames containing field parameters. The top frame 410, contains four fields: control station 430a, block type 430b, compound 430c, and block 430d. The bottom frame 420, containing the equipment field 440, filters equipment IDs. The user can filter the data displayed in columns 450a, 450b by entering values in one or more of 430a, 430b, 430c, 430d, or 440. For example, to see only the compound process variables beginning with "CP", the user types "CP*" in the compound field 430c. Filtering data can reduce screen clutter and allow the user to focus on data with specified characteristics.

Creating a link as described above integrates the process control software data into the CMMS. Once this has been done, data can be shared between the CMMS

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software and the process control software. For example, data from the CMMS database can be made accessible to the control room operator through the user interface of the process control software.

5 The DMM system has several modules. Real-time data for start/stop devices is integrated into the equipment module. The equipment module includes a data monitor which collects equipment runtime data from the process control software process and performs appropriate
10 calculations on the data. This information, including time-stamped equipment usage data, total number of starts, and status information, is then moved into the CMMS database. Maintenance related information can then be reviewed in the preventive maintenance module shown in
15 FIG. 6. The preventive maintenance module can be configured to automatically initiate a work order request when cumulative runtime for a device is reached.

 Furthermore, sensor data collected from the process control software process is used by a condition
20 monitoring application of the equipment module shown in FIG. 7 to predict failures and ensure timely maintenance as a means of avoiding catastrophic or unnecessary failure. Process control software process variables selected for monitoring are scanned at a specified rate,
25 and their time-stamped values and status information are sent to the CMMS database for storage and condition monitoring analysis. As the values of these process variables cross user-defined action limits, appropriate work order requests are automatically initiated.

30 The DMM alarm handler receives and decodes process alarms and system alarms for DMM-configured process variables and equipment devices. The alarm information is stored in the maintenance database for review through the condition monitoring application interface. DMM
35 condition monitoring can be configured to automatically

- 10 -

initiate work order requests for both types of alarms when conditions are met.

Process control operators access certain DMM work order related activities on application workstations through pull-down menu choices or graphical user interface buttons. The operator can track the history of work that has been performed on a specific piece of equipment by viewing the equipment history screen shown in FIG. 8. This screen displays a list of work order IDs, dates, problem descriptions, and problem codes associated with a piece of equipment. This screen also provides on-line problem tracking capabilities which allow the operator to select a work order from this list in order to view the work order status in more detail.

When a problem arises with a piece of equipment, the operator is able to initiate a new work order request by selecting work order requests using a graphical user interface. A work order can be created for the equipment in question from the work order requests screen shown in FIG. 9. Then the work order is transferred to the maintenance database for approval and scheduling.

The operator can check the status of the work order request by viewing the work order status screen of FIG. 10. Pertinent information about the work order such as if and when the work has been scheduled, estimated time to completion, and the crew assigned to do the work, are displayed on this screen.

Plant maintenance information may be obtained by the DMM system through manual entry or through SQL database importing of maintenance information such as equipment records, labor resources, parts inventory, trouble codes, etc. A typical implementation would involve extracting information from the existing maintenance system using SQL or delimited ASCII records in a format suitable for importing to the CMMS database.

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Information not electronically available could be manually entered.

Appendix A is a listing of record type definitions and C++ class definitions used by a configurator
5 implemented using the Foxboro I/A Series system and PSDI's MAXIMO. These definitions are employed in the software system represented in the microfiche appendix.

Although elements of the invention are described
10 in terms of a software implementation, the invention may be implemented in software or hardware or firmware, or a combination of the three.

The present invention has been described in terms of an embodiment. The invention, however, is not limited to the embodiment depicted and described. Rather, the
15 scope of the invention is defined by the claims.

The following documents are hereby incorporated by reference: I/A Series FoxAPI User's Guide, Document no. B0193UD Rev. B, March 12, 1996, Foxboro Company; MAXIMO User's Manual, Volume 1, Release 3.0, PSDI Inc.; MAXIMO
20 User's Manual, Volume 2, Release 3.0, PSDI Inc.; MAXIMO System Administrator's Guide, Release 3.0, PSDI Inc.; MAXIMO Technical Reference Guide, current version, PSDI Inc.; MAXIMO Interface Document (MABO Classes), current version, PSDI Inc.; Intersolv DataDirect ODBC Drivers for
25 Windows 3.1, August 1996, Intersolv. Also incorporated by reference are the I/A Series system in its commercially available form, available from Foxboro Company, and MAXIMO in its commercially available form, available from PSDI, Inc.

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What is claimed is:

1. A system comprising:
one or more computers operable to run process
control software;
5 one or more computers operable to run maintenance
management software; and
computer program means for enabling communication
between the process control software and the maintenance
management software.
- 10 2. The system of claim 1, wherein:
computer program means includes association means
for a user to associate process control data accessible
to the process control software with maintenance
management data accessible to the maintenance management
15 software.
3. The system of claim 2, wherein:
process control data accessible to the process
control software are process variables and maintenance
management data accessible to the maintenance management
20 software are equipment identifiers.
4. The system of claim 3, wherein:
association means includes means to create a link
by associating a select one of the process variables with
a select one of the equipment identifiers.
- 25 5. The system of claim 4, wherein:
the association means uses a common graphical user
interface for both the process control software and the
maintenance management software.

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6. The system of claim 5, wherein:
the system displays a plurality of process variables and a plurality of equipment identifiers using the graphical user interface.
- 5 7. The system of claim 6, wherein:
the system displays a dialog box containing lists in a first column and a second column, the first column containing process variables monitored by the process control software, the second column containing equipment
10 identifiers for equipment maintained by the CMMS software, the dialog box containing controls allowing a user to indicate an association of process variables in the first column with equipment identifiers in the second column.
- 15 8. The system of claim 7, wherein:
the association is indicated by selecting a first entry in the first column and dragging and dropping the first entry on a second entry in the second column,
thereby establishing a link between the first entry and
20 the second entry.
9. The system of claim 7, further comprising:
permitting the user to associate with a link a procedure for handling the process variable associated with the equipment identifier by the link.
- 25 10. The system of claim 7, wherein:
in response to the user selecting a monitoring type or alarm type from among a set of displayed monitoring types and alarm types, displaying an appropriate corresponding dialog box permitting the user
30 to select a parameter value from a plurality of parameter values.

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11. The system of claim 10, wherein:
the range of parameter values includes runtime,
point, process alarm, and system alarm.
12. The system of claim 11, wherein:
5 in response to the user selecting a parameter
value of runtime, the system responds by displaying a
dialog box permitting the user to select a scan rate
frequency.
13. The system of claim 11, wherein:
10 in response to the user selecting a parameter
value of point, the system responds by displaying a
dialog box permitting the user to select a scan rate,
high and low warning levels, and high and low action
levels.
- 15 14. The system of claim 11, wherein:
in response to the user selecting a parameter
value of process alarm, the system responds by displaying
a dialog box permitting the user to select an alarm type.
- 15 15. The system of claim 11, wherein:
20 in response to the user selecting a parameter
value of system alarm, the system responds by displaying
a dialog box permitting the user to select an alarm
subsystem and associated alarm codes.

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16. In a system comprising one or more computers operable to run process control software, and one or more computers operable to run maintenance management software, a method comprising:
- 5 selecting a process variable accessible to the process control software;
 selecting an equipment identifier accessible to the maintenance management software; and
 associating the process variable with the
10 equipment identifier.
17. A computer program, tangibly stored on a computer-readable medium, for use in a system comprising one or more computers operable to run process control software and one or more computers operable to run maintenance
15 management software, the program comprising instructions to:
- select a process variable accessible to process control software;
 select an equipment identifier accessible to
20 maintenance management software; and
 associate the process variable with the equipment identifier.

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18. A process of integrating two pre-existing separate systems, one a process control system and the other a maintenance management system, for the same plant process, comprising:

5 providing a common graphical user interface between the two systems for establishing user-defined settings indicative of selective pairings between process variables monitored by the process control system and
10 pieces of equipment capable of being independently tracked and maintained by the maintenance management system; and

making accessible to the maintenance management system, according to the current settings in said graphical user interface, values of said process
15 variables in order to automatically update data employed by the maintenance management system.

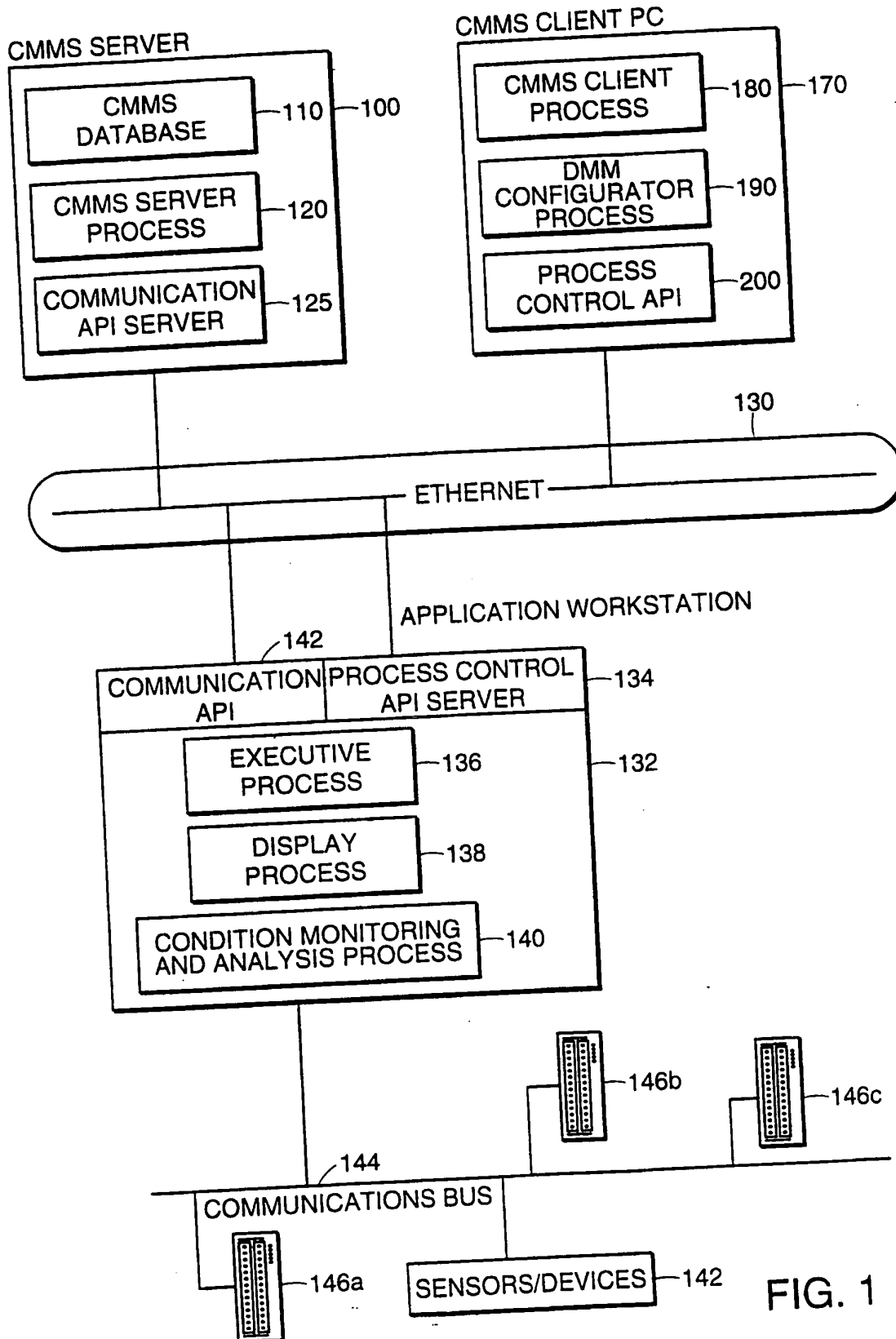


FIG. 1

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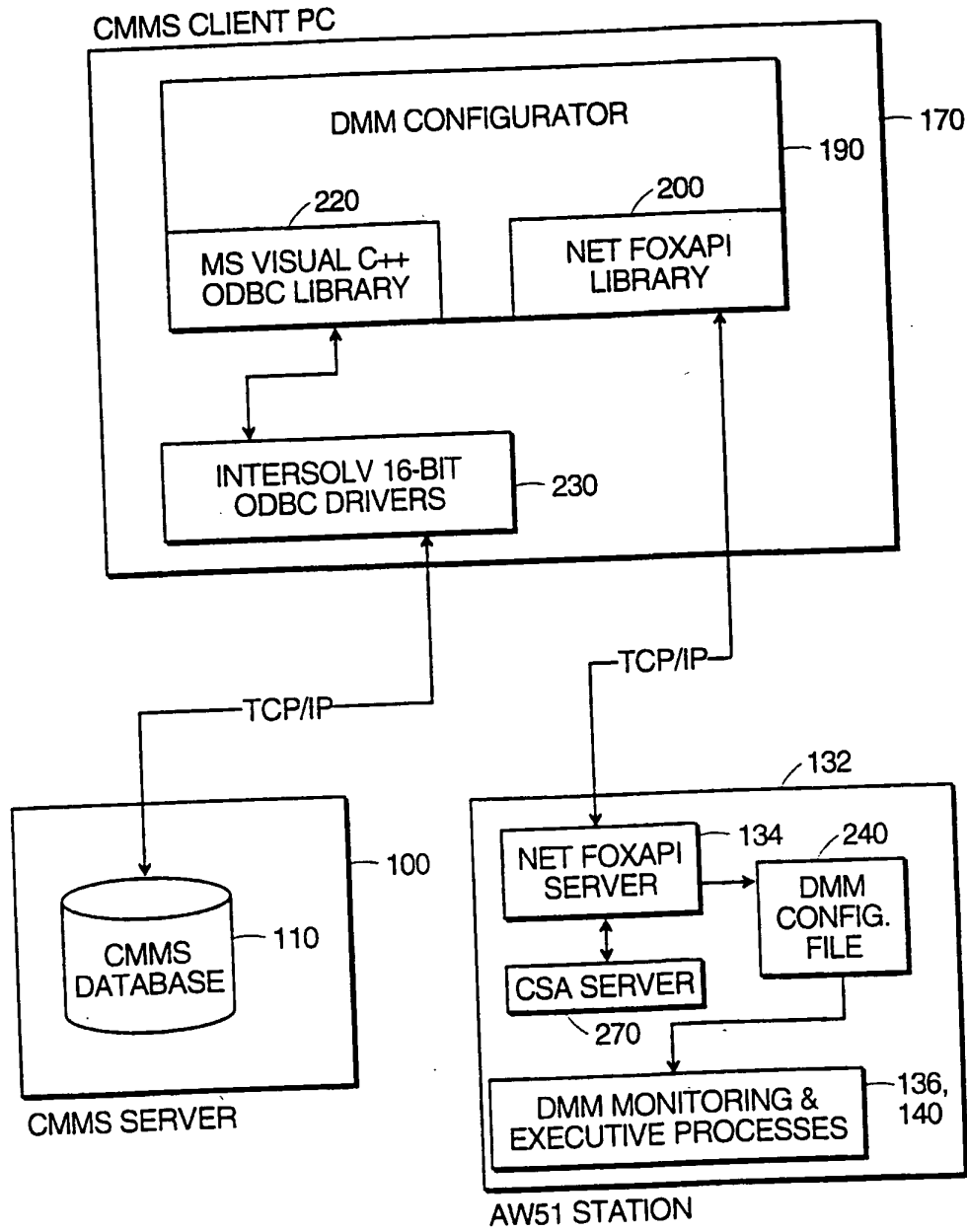


FIG. 2

SUBSTITUTE SHEET (RULE 26)

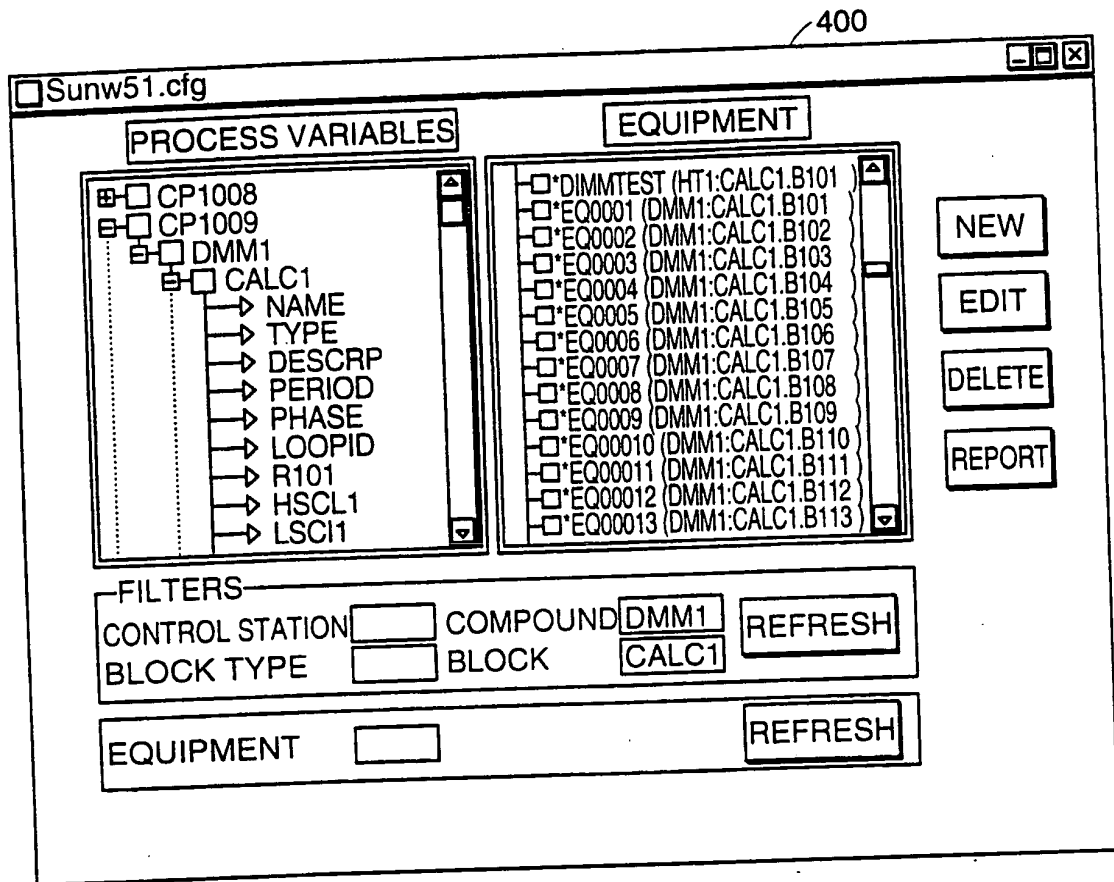


FIG. 3

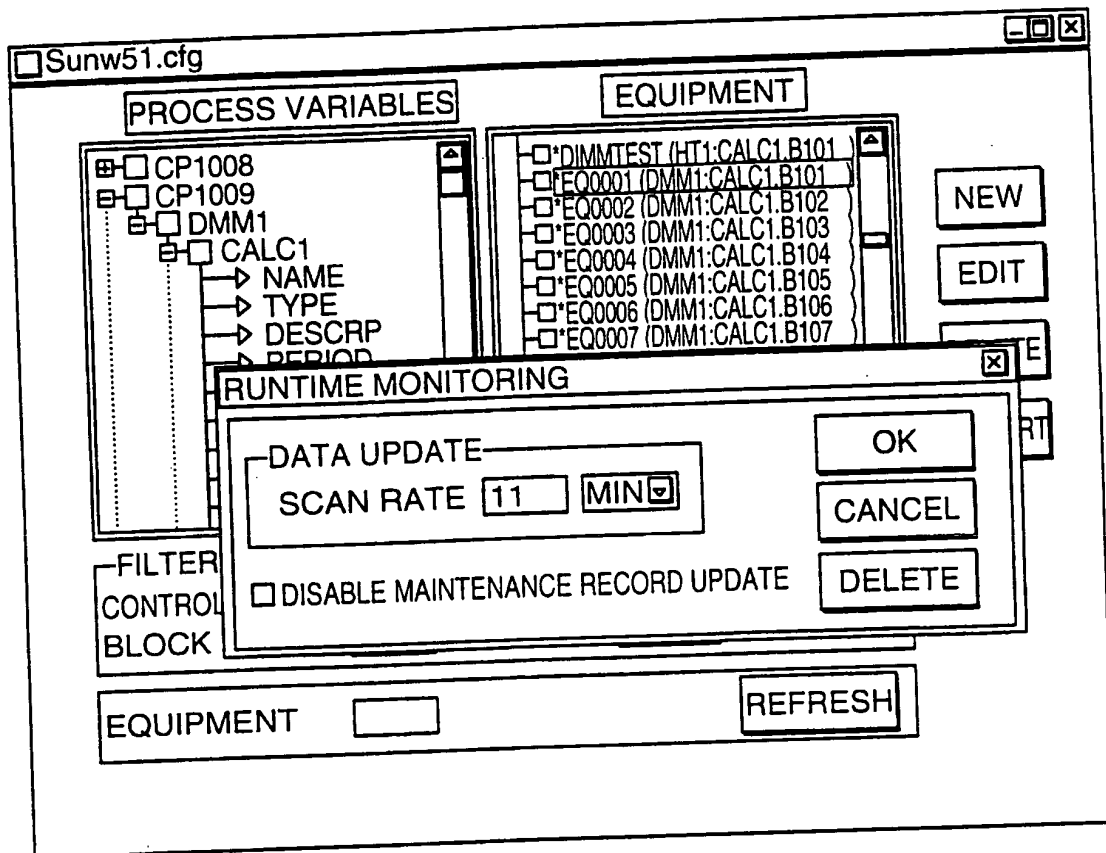


FIG. 4

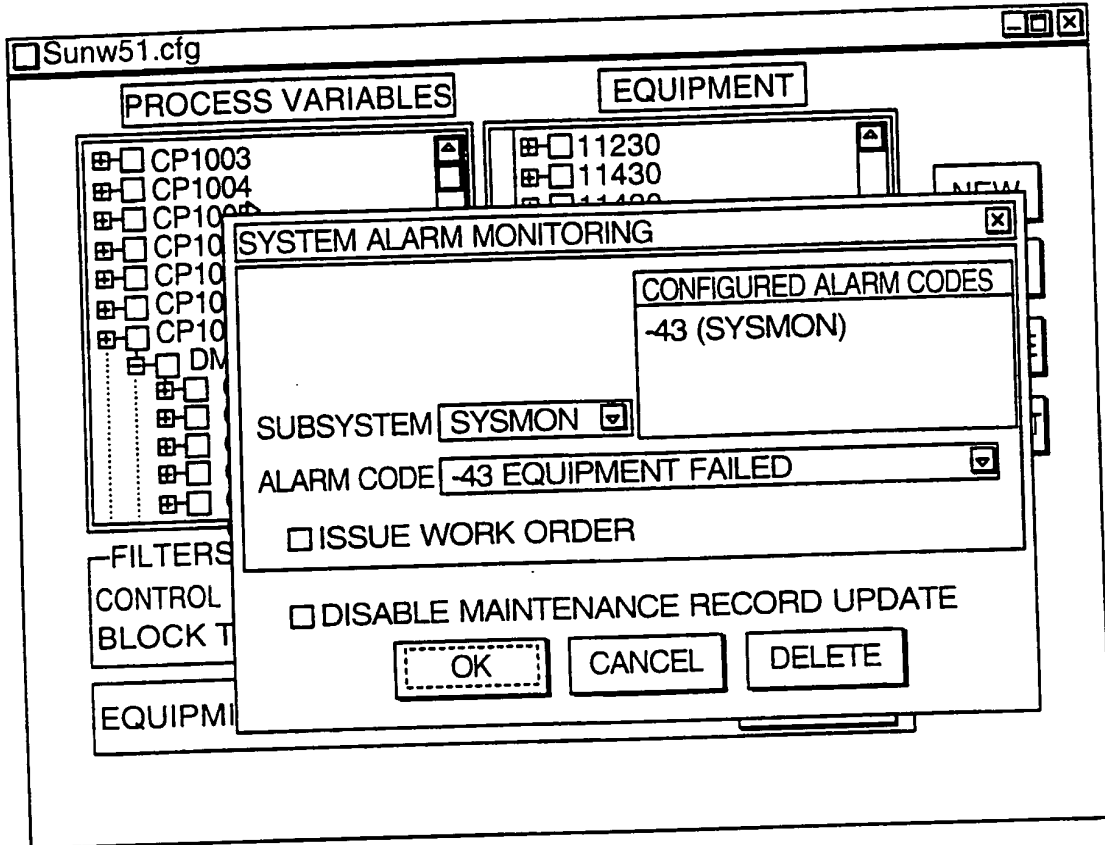


FIG. 5

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<input type="checkbox"/> PREVENTIVE MAINTENANCE - (MAIN)		<input type="button" value=""/>	<input type="button" value=""/>	<input type="button" value=""/>
<input type="checkbox"/> File Edit View Options Table Database Select Window Help				
<input type="button" value="Save"/>	<input type="button" value="Insert"/>	<input type="button" value="Close"/>	<input type="button" value="Prev"/>	<input type="button" value="Next"/>
<input type="button" value="Outer"/>	<input type="button" value="Return"/>	<input type="button" value="Rel/Set"/>	<input type="button" value="Screens"/>	<input type="button" value="Menu"/>
<input type="button" value="Main"/>	<input type="button" value="JP Seq"/>	<input type="button" value="Gen VC"/>	<input type="button" value="1"/>	<input type="button" value="2"/>
<input type="button" value="3"/>	<input type="button" value="View Sel"/>			
PM MASTER	C-11300	COMPRESSOR QUARTERLY INSPECTION AND CERTIFICATION		
LOCATION				
EQUIPMENT	11300	RECIPROCATING COMPRESSOR - AIR COOLED/100 CFM		
NEXT JOB PLAN	INS11300	RECIPROCATING COMPRESSOR INSPECTION		
DETAILS				
SUPERVISOR	WILSON	WO PRIORITY	9	WORK TYPE
GL ACCOUNT		STOREROOM LOCATION	CENTRAL	CREW
INTERRUPTABLE?	N	DOWNTIME REQUIRED?	N	
TIME BASED PMs		WORK ORDER GENERATION INFORMATION		
FREQUENCY (DAYS)	90	NEXT DUE DATE	1/3/96	
METER BASED PMs		FIRST START DATE	10/15/94	
FREQUENCY (METER UNITS)	0.00	LAST TARGET START DATE	10/5/95 3	
AVERAGE METER UNITS/DAY	0.90	LAST COMPLETION DATE	9/14/95 1	
READING AT LAST WO	3,300.00	USE TARGET START?	Y	
LATEST READING	150.00	SEQUENCED?	N	
EST NEXT READING	3,300.00	COUNTER	1	
DATE	9/26/92 1			
DATE	7/28/97 1			
DATE	2/26/07			
<input type="button" value="BROWSE"/>	<input type="button" value="i"/>	FIRST RECORD RETRIEVED	<input type="button" value="ABC"/>	<input type="button" value=""/>

FIG. 6

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CONDITION MONITORING - (MAIN)

File Edit View Options Table Database Select Window Help

Save Insert Close Prev Next Outer Return Ret/Se Screens Menu Gen VC

POINT	9901	GENERATOR VIBRATION ANALYSIS
EQUIPMENT	11230	EMERGENCY GENERATOR
LOCATION	BR230	BOILER ROOM EMERGENCY GENERATOR
POINT NAMER	V18-A	

WARNING ACTION	DETAILS
UPPER LIMITS 8,500.000 9,000.000	PM MASTER PM-GEN GENERATOR OVERHAUL
LOWER LIMITS 5,500.000 5,000.000	WO PRIORITY 2
UNIT OF MEASURE VIB	

MEASUREMENTS			
DATE/TIME	MEASUREMENT	AL	
5/2/97 1:16PM	6.000		
5/2/97 1:15PM	6.000		
5/2/97 1:14PM	6.000		
5/2/97 1:14PM	6.000		
5/2/97 1:13PM	6.000		

HISTORY			
WORK ORDER	DATE	MEMO	

BROWSE FIRST RECORD RETRIEVED

FIG. 7

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☐ FOXBORO: DISPLAY MANAGER SUNS1C=SUNS1C			
APPLICATION STARTUP ON LOGICAL HOST			6:56 7-28-97
SYS ALARM HELP FOXDMM-DISP DISP_1 DISP_2 DISP_3 SELECT			
EQUIPMENT WORK ORDER HISTORY			
EQUIPMENT		13100	
DESCRIPTION		FEEDER SYSTEM	
WORK ORDER	DATE	DESCRIPTION	PROB. CODE
2004	1995-10-31	FEEDER JAMMED	<input type="checkbox"/>
3007	1995-10-28	FEEDER INSPECTION AND CERTIFICATION	<input type="checkbox"/>
5004	1995-10-31	FEEDER JAMMED	<input type="checkbox"/>
6004	1995-10-31	FEEDER JAMMED	<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
			<input type="checkbox"/>
START QUERY	SELECT WORK ORDER	PREVIOUS RESULTS	PAGE 1 OF 1
			1ST PAGE
			PREV PAGE
			NEXT PAGE
			+10 PAGES
			-10 PAGES

FIG. 8

SUBSTITUTE SHEET (RULE 26)

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<input type="checkbox"/>	FOXBORO: DISPLAY MANAGER SUNS1C=SUNS1C		
APPLICATION	STARTUP ON LOGICAL HOST	6:57 7-28-97	
SYS ALARM	HELP	FOXDMM-DISP	DISP_1 DISP_2 DISP_3 SELECT
WORK ORDER REQUESTS			
WORK ORDER (AUTOKEYED) WO PRIORITY <input type="text" value="9"/>			
DESCRIPTION	<input type="text" value="INSPECT AND REPAIR PUMP AS NEEDED"/>		
EQUIPMENT	<input type="text" value="11470"/>		
REPORTED BY	<input type="text" value="R. SMITH"/>	PHONE	<input type="text" value="X 3546"/>
<input type="button" value="SUBMIT WO FOR APPROVAL"/>		<input type="button" value="OVERVIEW"/>	
<input type="button" value="CANCEL"/>			

FIG. 9

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<input type="checkbox"/> FOXBORO: DISPLAY MANAGER SUNS1C=SUNS1C		
APPLICATION	STARTUP ON LOGICAL HOST	6:59 7-28-97
SYS ALARM HELP FOXDMM-DISP DISP_1 DISP_2 DISP_3 SELECT		
WORK ORDER STATUS		
WORK ORDER	3010	WO: PRIORITY <input type="checkbox"/> LOC/EQ PRIORITY <input checked="" type="checkbox"/> 4
DESCRIPTION	FORKLIFT QUARTERLY INSPECTION AND CERTIFICATION	
LOCATION	SHIPPING	
EQUIPMENT	12400 FORKLIFT #2	
REPORTED BY	MAXIMO	DATE 1995-10-28 PHONE
STATUS	WSCH	DATE 1995-10-28
WORK TYPE	<input type="checkbox"/>	WARRANTY DATE 1995-03-30 EQUIP UP? <input checked="" type="checkbox"/> Y
PROBLEM		RESPONSIBILITY
FAILURE CLASS	<input type="checkbox"/>	SUPERVISOR MILLER
PROBLEM CODE	<input type="checkbox"/>	LEAD CRAFT ME1
		MODIFIED
		BY MAXIMO
		DATE 1995-10-05
SCHEDULING INFORMATION		
SCHEDULED	START	COMPLETION
DOWNTIME REQ'D?	<input checked="" type="checkbox"/> Y	INTERRUPTABLE? <input type="checkbox"/> N CREW <input type="checkbox"/>
EST. DURATION	1	REMAING DURATION <input type="checkbox"/>
		PREVIOUS RESULTS
		FOXOMM MAIN MENU
		START QUERY
		OVERVIEW

FIG. 10

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US98/13317

A. CLASSIFICATION OF SUBJECT MATTER
 IPC(6) :G21C 7/36
 US CL :702/184; 340/825.06-825.19; 376/216,215; 364/188; 395/670
 According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED
 Minimum documentation searched (classification system followed by classification symbols)
 U.S. : 702/184; 340/825.06-825.19; 376/216,215; 364/188; 395/670

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
 NONE

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
 NONE

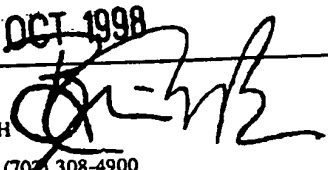
C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X/Y	US 5,311,562 A (PALUSAMY et al) 10 May 1994 (10.05.94), see Fig. 2; col. 6, lines 33-46, col. 11, lines 59 thru col. 12, lines 1-5	1-18/7-1 5
Y	US 5,311,562 A (Palusamy et al.) 10 May 1994 (10.05.94) col 6, lines 19-59 and col. 7, lines 52-68	7-15

Further documents are listed in the continuation of Box C. See patent family annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed
- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- *G* document member of the same patent family

Date of the actual completion of the international search 29 AUGUST 1998	Date of mailing of the international search report 26 OCT 1998
Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer KAMINI SHAH  Telephone No. (703) 308-4900

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10/851,663	05/24/2004	Jack McElroy	062750-00104

CONFIRMATION NO. 1154

27557
 BLANK ROME LLP
 600 NEW HAMPSHIRE AVENUE, N.W.
 WASHINGTON, DC 20037

FORMALITIES LETTER



OC000000013282416

Date Mailed: 07/20/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

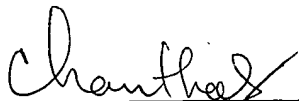
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$450** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

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PART 3 - OFFICE COPY

13281 U.S. PTO
052404

UTILITY PATENT APPLICATION TRANSMITTAL <small>Only for new nonprovisional applications under 37 CFR 1.53(b)</small>	Attorney Docket No.	062750-00104
	First Inventor or Application Identifier	Jack McElroy et al.
	Title	PLANNING AND SCHEDULING TOOL ASSISTANT

APPLICATION ELEMENTS <small>See MPEP chapter 600 concerning utility patent application contents</small>	ADDRESS TO: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
---	---

1. Fee Transmittal Form (e.g. PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27
3. Specification Total Pages 31
4. Drawing(s) (35 U.S.C. 113) Total Sheets 4
5. Oath or Declaration Total Pages
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 C.F.R. §1.63(d))
(for continuation / divisional w/ box 18 completed)
 - i. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §1.63(d)(2) and 1.33(b).
6. CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
7. Application Data Sheet. See 37 CFR 1.76
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification or Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 - c. Statements verifying identity of above copies

- ACCOMPANYING APPLICATION PARTS**
9. Assignment Papers (cover sheet & document(s))
 10. 37 C.F.R. §3.73(b) Statement Power of Attorney
(when there is an assignee)
 11. English Translation Document (if applicable)
 12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
 13. Preliminary Amendment
 14. White Advance Serial No. Postcard
 15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
 16. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
 17. Other:

17497 U.S. PTO
 10/851663
 052404

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below:

Continuation
 Divisional
 Continuation-in-part (CIP)
 of prior application no.:

Prior application information: Examiner: Group Art Unit:


For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b s considered a part of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

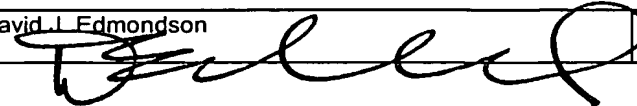
19. Amend the specification by inserting before the first line the sentence:

This application is a Continuation Division Continuation-in-part (CIP)
 of application Serial No. Filed on

This application claims priority of provisional application Serial Nos. 60/472,414, and 60/483,111 Filed May 22, 2003 and June 30, 2003, respectively.

20. CORRESPONDENCE ADDRESS

BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037 TEL (202) 944-3000 FAX (202) 572-8398	 27557 <small>PATENT TRADEMARK OFFICE</small>
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Name: David L Edmondson	Registration No.: 35,126
	Date: May 24, 2004

NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor	Jack McElroy, et al.
	Title	PLANNING AND SCHEDULING TOOL ASSISTANT
	Atty. Docket Number	062750.00104

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

May 24, 2004

Date



Signature

David J. Edmondson, Reg. 35,126

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

13281 U.S. PTO
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UTILITY PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 CFR 1.53(b))</small>	Attorney Docket No.	062750-00104
	First Inventor or Application Identifier	Jack McElroy et al.
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APPLICATION ELEMENTS <small>See MPEP chapter 600 concerning utility patent application contents</small>	ADDRESS TO: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
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17497 U.S. PTO
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Continuation
 Divisional
 Continuation-in-part (CIP)
 of prior application no.:

Prior application information: Examiner: Group Art Unit:


For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b s considered a part of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

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This application is a Continuation Division Continuation-in-part (CIP)
 of application Serial No. Filed on

This application claims priority of provisional application Serial Nos. 60/472,414, and 60/483,111 Filed May 22, 2003 and June 30, 2003, respectively.

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Name: David L Edmondson	Registration No.: 35,126
	Date: May 24, 2004

NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor	Jack McElroy, et al.
	Title	PLANNING AND SCHEDULING TOOL ASSISTANT
	Atty. Docket Number	062750.00104

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450**

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

May 24, 2004

Date



Signature

David J. Edmondson, Reg. 35,126

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

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13281 U.S. PTO
052404

PLANNING AND SCHEDULING TOOL ASSISTANT

Reference to Related Applications

The present application claims the benefit of U.S. Provisional Application Nos. 60/472,414, filed May 22, 2003, and 60/483,111, filed June 30, 2003, whose disclosures are
5 hereby incorporated by reference in their entireties into the present disclosure.

Field of the Invention

The present invention is directed to a computerized planning and scheduling system and more particularly to such a system for increasing efficiency in industrial environments.

Description of Related Art

10 Industrial Assets, such as plant equipment or major equipment, require maintenance from time to time to repair broken components, perform preventive tasks to minimize failures, and to replace worn out equipment. The discrete nature of this work – repair this pump, lubricate that motor – is controlled at most, if not all, industrial sites with some work management system or CMMS (Computerized Maintenance Management System). The discrete piece of work is
15 identified in the CMMS as a Work Order (WO) (eg: Work Order to repair pump.) At most industrial sites the number of work orders generated per week can be large. These work orders must be laid out in a schedule for the limited maintenance resources in an efficient manner so that the WO can be planned and may be completed with little wasted effort.

Most CMMS systems will allow Work Orders to be assigned schedule dates for intended
20 completion. In order to do this, various navigation schemes must be executed through the software and manual typing must be done. This method of attempted scheduling and planning is tedious and cumbersome for those folks in the industrial facility charged with scheduling and accomplishing the work.

In these days of highly limited resources (manpower), there should be little tolerance of wasted and inefficient tasking. The scheduling and planning tools must be extremely easy to use and require little time to manipulate assignments and make changes to the schedule and planned status of all the work orders and all the maintenance resources.

5 The following references are related to the general field of the present invention. Their pertinence will be discussed below.

<u>PATENT OR PUBLICATION NO. (U.S. unless otherwise specified)</u>	<u>INVENTOR(S)</u>
6,421,571B1	Spriggs, et al.
6,006,171	Vines, et al.
5,970,437	Gorman, et al.
5,835,898	Borg, et al.
5,787,000	Lilly, et al.
2003/0041087A1	Pothos, et al.
2002/0161674A1	Scheer
2002/0143601A1	Sinex
2002/0111842A1	Miles
2002/0049563A1	Vetter, et al.
2002/0010615A1	Jacobs
2002/0007297A1	Clarke
WO 99/05684	Vines, et al.

Summary of the Invention

It is an object of the invention to overcome the above-noted deficiencies of the prior art.

It is a further object of the invention to provide the following advantages:

- A. for the process of Work Week Management where the schedule of work is managed to
5 the week.
- B. Real Time, on screen, performance indicators or metrics for the success of the Work
Week
- C. Drag and Drop Work Orders into a designated Work Week
- D. Color coding Work Order status within the Work Week
- 10 E. Throttle control of Sponsored work
- F. Work Week Assignment Form and Work Week Management Form – key screens

To achieve the above and other objects, the present invention is directed to a planning
and scheduling tool assistant (PaSTA) designed for the Schedulers, Planners, and Maintenance
Supervisors in an Industrial facility to extremely quickly move work order schedules, status
15 planning, and manage resources for optimum utilization.

Additionally, key performance indicators or metrics on performance on how well the
organization is doing is also cumbersome if not impossible in the current practice in these
industrial organizations. PaSTA is designed to provide those key performance indicators simply
and automatically.

20 PaSTA is also designed to throttle the very inefficient and ineffective “sponsored” work
that enters the work schedule at the last minute and enters with no planning of the work
completed.

The variables of this management include worker, crew, Work Order, Dates, Planning Status, planner, dates, etc. (see tech manual and summary sheets).

PaSTA operates by interfacing with the CMMS database in a thoroughly interactive process. PaSTA constructs a parallel database and reads and feedbacks to the CMMS database frequently to stay current and accurate. For most users of PaSTA, they will not perceive that they are using anything else but the CMMS database. Typically, although not necessarily, the user will run PaSTA on a networked computer, likely one running Windows, and will use PaSTA as a front end to a CMMS database on a remote server.

The present invention offers the following features:

1. Drag and drop movement of work orders from work-week to work-week, from unscheduled to scheduled, to short notice outage plan, to planned outage plan, to backlog. Because the screen has side by side unscheduled and multiple weeks presented, it is very easy to drag and drop work into any given week or to the holding buckets of short notice outage plan, planned outage plan, and backlog. When work orders are dropped into a given work-week, real time indication of resource loading are visible so that the scheduler will know they have not overloaded the work group with too much work.

2. Color coding based on status of planning the work order. That is, the determination of whether the work order is ready to work and is fully planned. For instance, a green background will indicate that the work order is complete and ready to work (e.g., parts are available, operations clearance requirements are set, interactions with other groups has been identified and planned, etc.). A yellow background indicates that a planner assigned and planning underway. Pink indicates no planner is assigned, and planning is not started. Red indicates emergency work and blue indicates sponsored work.

3. Throttle control of sponsored work, which is the highly disruptive work created and entered into a completely planned week of work (i.e., actually sponsored into getting done by somebody at the site requesting it get done now). This is very inefficient work for resources to be dedicated to and must be minimized. The assistant tracks and throttles those events by immediately flagging them, holding the organization accountable to it, and generates a real time key performance indicator.

4. Real Time Automated Metrics are provided. These key performance indicators are immediately available to users to track critical performance criteria in execution of work. These metrics are completely automated on the same screens as the work schedule is presented. Full automation and filtering of the data allows management to see group, department, and organization wide performance on any combination of over 20 different performance indicators over any time period with the click of the mouse.

5. Two basic screen formats are critically designed. One screen (Work Week Assignment Tool) is for the scheduling and planning activities by the schedulers and planners. The second screen (Work Week Management Form) is for the maintenance supervisor to execute the work week.

The advantages that the present invention offers over the above-cited prior art will now be considered.

Borg, et al:

Borg discloses manufacturing scheduling where drag and drop feature applies to work area and open time line – spatial and then determines bottlenecks in manufacturing process. Key here is the real time indication of that bottleneck – not particularly measuring the performance of

a schedule. The manufacturing process is not start and stop process but a continuous process and the concepts of work week management are not applicable

In the present invention, drag and drop allows Work Orders to be assigned into a scheduled work week where the intent is to measure the performance of the work team executing the work week. Work Week Management infers that there is a start and stop to the collective work being performed. A thru F still are distinguished – although C becomes constrained to work week management.

Vines, et al:

Vines discloses a maintenance management that couples a Work Order Generation system with a Process Control System. The intent here is to automatically generate a Work Order based on the condition of the components being monitored by the Process Control System. There is no scheduling function other than in the creation of the work order a desired due date is required based on predetermined intervals. Management of the labor force is not part of the disclosure

In the present invention, all elements of A thru F are unique as PaSTA begins at the point in the process that the Work Order has already been created, where Vines, et al stop – the creation of the Work Order.

Spriggs, et al:

Spriggs discloses an online monitoring system intended to monitor the process condition of components. It is not a work management system

In the present invention, elements A thru F are unique in that we disclose a work management system.

Gorman, et al:

Gorman discloses a system designed to show the relation of components in an operating environment. The intent is to recognize the interrelationship of these components as maintenance work is being performed. This knowledge is used to properly isolate the equipment so that it can be worked on safely and the interrelationship understood.

5 In the present invention, all elements A thru F are unique in that we disclose a work management system.

Lilly, et al:

Lilly discloses a Work Order Management system that provides for each work order to be planned. That is all necessary resources to accomplish the work are prescribed and documented
10 in the disclosed system. A desired start date and desired finish date are entered also.

In the present invention, all elements A thru F are unique in that we are scheduling the work against a work week and against the available labor resource and measuring key performance parameters to drive the schedule. The closest piece here is in our D where we are statusing the planning of the work orders with color coding which Lilly does not do.

15 ***Pothos, et al:***

Pothos discloses a system to intended to manage maintenance resources spatially – across a wide territory and to optimize the work in sequence against location of work. A Gaant chart is the result for each labor resource showing the optimized sequence of work for that single resource.

20 In the present invnetion, all elements A thru F are unique in that we are getting work orders optimized in a work week management timing sequence. Work Orders are dragged and dropped into a work week and then schedule performance is measured. Sponsored work is throttled.

Scheer, et al.

Scheer discloses a system for supply chain management with the intent of optimizing a just in time inventory system for repair parts.

5 In the present invention, all elements A thru F are unique in that we disclose a work management system.

Sinex, et al

Sinex discloses a system that assigns work to a qualified work person. This assures that quality work will be performed and that an auditable documentation is available to prove workers are qualified to perform the repairs assigned.

10 In the present invention, all elements A thru F are unique in that we disclose a work management system that assigns work orders into a work week for a group of resources and then measures the effectiveness of the group's work week schedule thus creating work week management.

Miles, et al:

15 Miles discloses a system of work order management intended to create access for customers and vendors so that control of work at the user site, customer site, and vendor site is all coordinated. This system meets the need for integrated resource management with a work order.

20 In the present invention, all elements A thru F are unique in that we disclose a work management system that assigns work orders into a work group of resources and then measures the effectiveness of the group's work week schedule thus creating work week management.

Jacobs, et al:

Jacobs discloses a system intended to control the work of a mobile workforce and optimize the work assuring qualified workers are assigned and optimizing the sequence work based on location. This patent appears to have overlap with Pothos and Sinex.

5 In the present invention, all elements A thru F are unique in that we disclose a work management system that assigns work orders into a work group of resources and then measures the effectiveness of the group's work week schedule thus creating work week management.

Clarke, et al:

10 Clarke discloses a system intended to manage work orders against available resources. The system requires manual entry to manage that balance between work and resource. The system performs identical functions of many commercially available work management systems.

In the present invention, all elements A thru F are unique in that we disclose a work management system whose goal is similar to Clarke but performs uniquely. The functions that are unique are those delineated in A thru F.

Vetter, et al:

15 Vetter discloses a system for work management intended to optimize operating equipment while other equipment can be maintained. The approach is to isolate the equipment to be worked on while minimizing the impact on the entire operating system which the equipment being worked on is part.

20 In the present invention, all elements A thru F are unique in that we disclose a work management system that assigns work orders into a work group of resources and then measures the effectiveness of the group's work week schedule thus creating work week management.

Brief Description of the Drawings

A preferred embodiment of the present invention will be set forth in detail with reference to the drawings, in which:

Fig. 1 is an annotated screen shot showing

5

Detailed Description of the Preferred Embodiment

A preferred embodiment of the present invention will be set forth in detail with reference to the drawings, in which like reference numerals refer to like elements or steps throughout.

Five key aspects of the preferred embodiment will be described with reference to Figs. 1-4. The combination of the five key aspects is considered to be a sixth key aspect.

The first key aspect is the ability to assign work orders to a work week (or other suitable unit of time) by drag-and-drop. Fig. 1 shows an annotated screen shot of a work week assignment tool 100. On the right is a list 102 of unscheduled jobs. On the left is a list 104 of scheduled jobs, grouped by work week. Using the work week assignment tool, a user can easily click on an unscheduled job with a mouse and drag it to a desired work week.

The second key aspect of coding (e.g., color coding) of the status of planning of each work order. Fig. 2 shows a screen shot of the work week assignment tool 100 with the work orders color coded. The color codes can be assigned in any suitable manner, of which the following is an illustrative example: pink = no planner is assigned and planning not started; yellow = planner assigned, planning underway; and green = planning complete, work order ready to work.

The third key aspect is throttle control of sponsored work. Fig. 3 shows a screen shot of a work week management form 300, which includes a planned work pane 301, an indirected work pane 302, and an emergent work pane 304. In the emergent work pane 304, a work order 306 is color coded (e.g., dark blue) to identify it as sponsored work – anyone creating sponsored work must sign their name to that sponsoring.

The fourth key aspect is real-time automated metrics. The work week management form 300 of Fig. 3 includes an area 308 listing key performance indicators or metrics and a real-time

value of each. As shown in Fig. 4, clicking on any of the metrics results in the display of a graph 402 of the metric to the user.

The fifth key aspect is the provision of two basic screen formats critically designed - one for the scheduling and planning activities by the "schedulers and planners" (Work Week Assignment Tool 100) - and second for the maintenance supervisor to execute the work week (Work Week Management Form 300).

Details of the operation of PaSTA will now be disclosed.

PaSTA was developed to allow an organization to take full advantage of EPRIsolutions "Work Control" process. In addition the organization's planning and scheduling efforts will reap 10 great benefits around: rhythm, budgets, morale, cost etc.

As shown in Fig. 1, the work week assignment tool includes the following functionality:

Crew: Allows user to select a desired crew

Week of: Allows user to select the desired week with the arrow or a drop down calendar. The weeks are designated T0, T1,

15 Planned Unavailable Time This area is used for hours that are not tracked on work orders (WO), i.e. vacation, holiday, sick leave, off days, operations, etc.

Unplanned Unavailable Time This area is used for hours that occurred during T0 that were not scheduled, i.e. training, meetings, emergency vacation, etc.

The PaSTA program is started in the normal way for the operating system. For example, 20 in Windows, the user can double-click a screen shortcut or use the "Start" button. Enter user name (This is set by PaSTA system administrator. This can be anything, suggest using your system log on name.). Enter Password (This can be anything, it will never change. If this is a first time login into PaSTA you will be asked to confirm your password.)

The next screen to appear is the Front Page: (single click on the parse to go to the desired screen. To exit the program click on 'x' in the upper right corner or File - exit.)

Work Week Management Assignment:

- Schedule, unscheduled work
- 5 Reschedule, scheduled work
- Unschedule work
- Search for work orders
- Schedule for different crews
- Sort and edit work orders
- 10 Review schedule, unscheduled work by unit and system

Work Week Management:

- View a crew's work week
- View a work week by system and unit
- Reschedule work
- 15 Unschedule work
- Search for work orders
- Shift work to a different crew
- Sort and edit work orders
- Set daily schedule
- 20 Set indirect work
- Manage emergent work and unplanned, unavailable time

Export a Schedule:

- Export to Primavera

Management Reports:

Reports, charts and trends are accessed

Administration:

Only administrators have access to this area. This area allows the administrator to:

- 5 1. Set up users
2. Edit interfaces

Update: allows level 3 users to update PaSTA

Update Labor Hours: allows level 3 users to update all the actual hour. Three possible scenarios:

- 10 1. WOs (work orders) scheduled in T0 are populated with hours
2. WOs not scheduled in T0 or unscheduled are copied into T0 as sponsored work, sponsored by and labor update. The WO(s) will remain in their original schedule or unscheduled location.
3. WOs not in PaSTA will be placed on an exceptions list.

15 View Exceptions List: Displays all WOs not in PaSTA that had hours charged to them during T0

1. How to schedule work into T(?) weeks

Log onto PaSTA and click on the Work Week Assignment Tool:

- 1.1 Update

20 Look in the 'Last Updated' window. If PaSTA has not been recently updated click on the 'Update' button. You will be asked if you want to import new records, YES. This process may take several minutes, depending on the number of records to be imported. The counter on the

lower left of the screen will tell you how many records have been imported and the total to be imported.

1.2 Choosing a crew / unit / system to modify

5 First choose the crew, unit or system from the drop down list, located on the top left side of the screen

Then filter by: All, current crew or date initiated, located top right side, left drop down

Then, if desired, sub filter by: All, Planner Assigned and Ready, Planner Assigned and Not Ready, No Planner Assigned or Status = C (complete)

1.3 Scheduling work into T(?) weeks

10 Choose a work order by left clicking on it and dragging it to the desired week.

Note: Holding down the shift key while dragging a work order is the same as using the 'copy to' function

Or

15 Left click on the work order, then right click and choose from the menu to either 'move to' or 'copy to'

'move to' will move the work order from one 'grid' to another

'copy to' will leave the work order in the originating 'grid' and also place it into T week desired

1.4 View scheduled work on the Work Week Management Form

20 Left click on the 'work week management form'

1.5 Work Week Management Form

1.5.1 Indirect work Area

First, fill in the 'Indirect Work' and 'Planned Unavailable Time'. This will set the total net hours available to schedule.

Type in the total hours that will not be available during the week, by day

Schedule indirect work orders (IM) by placing the daily IM hours into the corresponding
5 days of the week

Note: The '#' sign before each day of the week is the total number of resources to be used that day for that particular work order. The hours placed under the days of the week are total duration hours for the day.

1.5.2 Planned Area

10 Fill in the scheduled hour for each work order (total duration hours per day)

Review all work orders to ensure that they are complete and properly coded

Ensure that Planned Hours (P Hrs) are correct

The foremen provide the days of the week and work hours to the coordinator in order to build the schedule.

15 Note: The '#' sign before each day of the week is the total number of resources to be used that day for that particular work order. The hours placed under the days of the week are total duration hours for the day.

1.5.3 Metrics

This area displays leading metrics.

20 1. Ensure that the number of 'Gross Available Manpower Hrs' is correct (the number of resources in a crew times the number of hours in a week, e.g. 10 resources x 40 hours = 400 gross available hours)

2. Once a week, input the 'Back Log Man Hrs' and '# Of Back Log Work Orders'.

This should be done at the same time each week, Friday morning before the Friday work control meeting.

2. How to update T0 week

5 2.1 Emergent Work (emergency – sponsored) Work Week Assignment Tool

To place emergent work into week T0 start on the 'Work Week Assignment Form'. Drag the desired work order from the unscheduled side (right side) or from a (T?) week into the T0-week. When this happens a message box will appear asking you to set the work order to either emergency work (E) or sponsored work (S) and enter the name of the person requesting the
10 work.

Emergency (E) work is coded red and sponsored (S) work is coded blue

2.2 Emergent Work (emergency – sponsored) Work Week Management Form

2.2.1 Emergency and Sponsored work

After emergent work has been added to T0 it will be placed into the 'Emergent Work'
15 section of the Work Week Management Form.

2.2.2 Unplanned Unavailable Time

It is necessary to identify all hours, during T0, that were unplanned and place them in the 'Unplanned Unavailable Time' section.

The total amount of overtime accrued during the week will to be entered into the
20 'Overtime' section during the labor update.

Note: It is important that progress, 'Prog', is captured for each WO. The '#' sign before each day of the week is the total number of resources to be used that day for that particular work order. The hours placed under the days of the week are total duration hours for that day.

2.3 Planned work area updating:

Actual hours (A Hrs) include straight time and over time will be updated via the labor update.

8 hrs of straight time and 2 hrs of over time = 10 actual hours worked

5 Note: Ensure that all actual hours (A Hrs) are accurate and complete

Ensure that the progress (Prog) for each work order is accurate.

C (complete) = all work planned for the week is complete. This does not have to mean that the job is complete or that the work order is closed in the CMMS

R (rolled) = a job that was not worked or completed and had to be rolled to another week.

10 A 'C' will be placed in the Prog if the WO was closed during T0

Note: Once you have set the schedule for the work week do not readjust the scheduled hours (you can move the hours to a different day but, this in is not recommended). The foremen are responsible for the T0 schedule. The foremen are responsible for all work on the schedule and updating the coordinators with actual hours and whether work is complete or rolled to another week.

3. Metrics and Trend charts

3.1 Metrics Definitions:

Gross Available Manpower Hrs =

of craft in the crew (excluding the foreman) x 8 hrs per day x 5 days per week

20 Total Unavailable Manpower Hrs =

“IM” (Indirect Maintenance) + the planned unavailable time

Net Available Manpower Hrs =

Gross available manpower hrs – total available manpower hrs

Backlog Man Hours =

Current open backlog work order man hrs (excluding annual and maintenance shutdown hours)

Of Backlog Work Orders =

5 Current open backlog work order count for the crew (excluding annual and maintenance outage work orders)

Resource Utilization =

[Actual hrs charged (includes OT) + emergent hrs] / [Gross available man hrs + unplanned overtime]

10 Backlog Weeks =

Backlog man hrs / Gross available manpower hrs

Sponsored WO =

Total number of sponsored (S) work orders

PM Compliance (%) =

15 # of completed PM work orders (Prog = C) / # of scheduled PM's work orders

SA Compliance =

of completed SA work orders (Prog = C) / # of scheduled SA work orders

EN Compliance =

of completed EN work orders (Prog = C) / # of scheduled EN work orders

20 Actual Hrs =

Total 'Planned Work' actual hours (straight time and overtime hours) that have been charged to scheduled work

Actual Unplanned Hrs =

Total hrs (straight time and overtime) charged to 'Emergent Work' + 'Unplanned Unavailable time'

Scheduled Work =

Total scheduled hrs for 'Planned Work' for the week

5 %Scheduled =

Total scheduled hrs, for the week / Net available man hrs, for the week

Net Hrs Accounted =

[Actual hrs (scheduled work + IM's + planned unavailable + emergent work + unplanned unavailable)] / [Gross available man hrs + unplanned overtime hrs]

10 Indirect Work =

Sum of actual hrs for indirect work "IM's" (excluding foremen's time) / Gross available manpower hrs (excluding foremen's time)

CM Hrs =

15 Actual hrs charged against scheduled "CM" WO's / Total actual hrs charged (planned + emergent)

PM Hrs =

Actual hrs charged against scheduled "PM" WO's / Total actual hours charged (planned + emergent)

PR Hrs = (Proactive hours)

20 Actual hrs charged against scheduled "PR" WO's / Total actual hrs charged (planned + emergent)

CD Hrs = (Condition Directive)

Actual hrs charged against scheduled "CD" WO's / Total actual hrs charged (planned + emergent)

SA Hrs =

5 Actual hrs charged against scheduled SA WO's / Total actual hrs charged (planned + emergent)

EN Hrs =

Actual hrs charged against scheduled EN WO's / Total actual hrs charged (planned + emergent)

Sponsored Hrs =

10 Total hrs charged against Sponsored work / Total actual hrs charged (planned + emergent)

Emergency Hrs =

Total hrs charged against Emergency work / Total actual hrs charged (planned + emergent)

15 Sch. Compliance WO# =

Work orders completed (Prog = C) / Work orders scheduled

Sch. Compliance Hrs =

Completed actual hrs (Prog = C) / Scheduled hrs for scheduled activities

Planning Effectiveness =

20 $1 - [\text{Absolute value of (scheduled - actual hrs)} / \text{Scheduled hrs (Prog = C)}]$

WO Completed w/out Hours =

Total number of completed jobs (Prog = C) with no actual hrs

3.2 Trends:

To access trends, click on the desired leading metric (this builds a trend chart for that metric). Or use Management Reports, Front Page

To add additional metrics, change date range and/or crew select 'Report' from the file menu bar located top left of the screen and select:

5 Range – allows the desired date range to be selected

10 week (default)

1 year

Custom date range

Content – allows the desired crews and metrics to be selected

10 Crews: choose one or several crews using the shift or control keys or select the all button at the bottom right to select all crews.

Content: choose as many metrics as required (one to all). All metrics are weighted numbers; the raw numbers are used for calculations.

4. Right click menus

15 4.1 Right clicks for the Work Week Assignment Tool

Below are the menu items associated with 'right clicks' on the Work Week Assignment grids. The user needs to left click on a row and then right click on that record (This ensures that the desired record is selected). Once the user right clicks the record it will be highlighted.

20 Note: If the record does not highlight, then left click on it again. Once highlighted, right click again.

Assign Planner...

Choose the initials of the person assigned to the record. If no one was previously assigned, the record will change from light red to yellow.

Planning complete & Planning Not Complete

Planning complete changes the record from yellow to green & planning not complete revises the green to yellow.

Note: This indicates that all the planning has taken place, i.e. all materials, parts, craft and vendors coordination. If you right click on a green record the user has the option to set the record to "Planning not Complete".

Move to...

Allows a record to be moved to another week and/or crew.

Copy to...

Allows a record to be left where it is and be copied to another week and/or crew.

Note: Records cannot be moved from T0, only copied.

Delete

This will remove the record from PaSTA.

Note: This should only be used if you have copied a record and did not intend to or if you no longer want to see the record in PaSTA. If a record is deleted by accident you will have to go the EMPAC and reschedule the work order and update PaSTA, this will bring the work order back into PaSTA. A message will display if you try to delete the last instance of that record. You will be prompted to continue or not.

WO View...

This will display all jobs with the same work order number, regardless of whether it's scheduled or not or been assigned to a crew. The user can select the record and click on the SEEK, lower left corner, and the user will be taken to where the WO is scheduled/unscheduled.

Sort...

Allows the data to be sorted in one to three different columns in ascending or descending order.

4.2 Work Week Assignment Tool: scroll bars

The right click menu for the scroll bars is as follows:

5 Scroll Here:

Moves the scroll bar to where you right clicked

Page Left:

Moves the scroll bar one step to the left

Page Right:

10 Move the scroll bar one step to the right

Scroll Left & Scroll Right:

Moves the scroll bar to the left or right

4.3 Right click: Work Week Management Form

Set Emergent Code

15 This allows the user to set the emergent code:

E – emergency work

S – sponsored work

None – moves work from the emergent section to the planned section

Note: The 'None' code is used only if there is a scheduling mistake. (i.e. In T0 a record was deleted from the planned section and had to be reinstated. It could only be rescheduled as emergent work. This would allow the record to be placed back into the planned area.)

Unscheduled

Takes the selected record and places it back on the unscheduled side of the Work Week Assignment Tool.

Note: If a record is already unscheduled, a message will be displayed that the work is already unscheduled. This indicates that it would be ok to delete the record from the Work Week

5 Management Form.

Rollover

This allows the user to 'roll' work out of T0 into a future week.

Note: Work important enough to work this week should be moved to the next week, barring any parts or material issues. This function is the same as the 'copy to...' function. The record will remain in T0 and will be exported to the desired week and an R will be placed in the Prog column.

4.4 Right click: WO View and Find

This will allow the user to 'Copy To...', 'Move To...' and 'Sort...' the current result sets.

5. Drop down menus

15 5.1 File

Find, Print Preview..., Print and Close

Find

This allows the user to search the entire PaSTA database using the following criteria:

WO ID (work order number): This will find all records with the same work order number.

WO Description: This will find all records that contain what you type in the description

Asset Name: This will find all records with the asset name the user enters.

Misc

This will find any open work orders that are two weeks or older inside of PaSTA. (e.g. a work order that was scheduled three months ago but was never worked)

Results of Find and Misc

The result of the find feature returns the following screen. From here the user can filter,
5 move, copy and sort by using the right click features (page 18)

Print Preview

This will allow the user to view the print job before sending to the printer

Print

This will send the job to the printer directly.

10 Note: Once the job is sent to the printer, the user can continue to use PaSTA. Just click back on the PaSTA screen and continue to work.

5.2 View

Setting and Refresh

Setting

15 The default setting is to load all grids automatically. (A grid is any area inside of PaSTA that contains records) If users only want to load certain grids on demand uncheck the box in 'settings'. When this is unchecked the grids on the work week assignment form will appear blank. When the user clicks on the 'lighting bolt' next to that grid, that grid will be loaded only. This is useful in speeding up the load time of the screen, if there are large amount so
20 records in the grids. (This is only available on the work week assignment form.)

Refresh

This will force all the grids to be reloaded and calculation to be recalculated. This only needs to be done if it appears that a action taken by the user did not happen. Additionally the user can refresh one grid at a time by pressing the 'lighting bolt' icon next to that grid.

Three levels of users are distinguished.

5 Level One Users are those who only require to view and print out PaSTA schedule.

Level one user can view and print the following:

1. Work week management tool
2. Work week management form
3. Management reports

10 Level one user does not have access to the right click menus and are unable to schedule or edit records on either the work week management tool or work week management form. Level one users also do not have access to the administration section nor the primavera export. All other actions are available to level one user.

Level two users have all the permissions of level one users in addition to level three users
15 on the work week management form.

Level three users are administrators and have full access. In particular, level three users can add users by clicking on the plus and subtract users by highlighting a record and clicking on the minus.

In particular, the three levels can do the following:

20 Level three:

Read/write on the work week assignment form and work week management tool

Update PaSTA

Update

Right click menus on both forms

Level two:

Read on work week assignment form

Read/write on the work week management tool

5 Right click menus on the work week assignment form

Level one:

Read both forms

Print from both forms

Note: The Administrator box should only be checked when adding additional PaSTA
10 administrators. (See administrator below)

Crews and workers can be manually added, or they can be updated automatically from
EMPAC. The same is true for resources.

While a preferred embodiment has been set forth above, those skilled in the art who have
reviewed the present disclosure will readily appreciate that other embodiments can be realized
15 within the scope of the invention. For example, platforms other than those disclosed can be
used. Also, elements of the user interfaces can be rearranged. Therefore, the present invention
should be construed as limited only by the appended claims.

What is claimed is:

1. A planning and scheduling system running on a computing device, the system comprising:
 - work week sections;
 - 5 a scheduled job section;
 - an unscheduled job section;
 - a short notice outage section;
 - a planned outage section; andwork orders, wherein the work orders can be moved from one work week section to
10 another work week section, from unscheduled to scheduled, to short notice outage, to planned outage, and to backlog, by dragging and dropping the work orders.
2. The system of claim 1, wherein the scheduled job section and unscheduled job section are simultaneously displayed to a user.
3. The system of claim 1, wherein when work orders are dropped into a work week section,
15 real time indication of resource loading is determined.
4. The system of claim 3, wherein the resource loading is determined based on whether a work group has been over loaded with too much work.
5. The system of claim 1, wherein color coding indicates the status of planning the work order.
- 20 6. The system of claim 5, wherein the status includes whether the work order is complete and ready to work.
7. The system of claim 1, wherein the system runs on a networked computer in communication with a database server.

8. The system of claim 1, further comprising a user interface for displaying the work week sections, scheduled job section, unscheduled job section, short notice outage, planned outage, and work orders.
9. The system of claim 1, wherein the system is used for scheduling and planning.
- 5 10. The system of claim 1, further comprising a management control for executing the work week sections.

Abstract of the Disclosure

Schedulers, Planners, and Maintenance Supervisors in an Industrial facility can use the user interface of the present invention to extremely quickly move work order schedules, status planning, and manage resources. Additionally, key performance indicators or metrics on performance on how well the organization is doing is also cumbersome if not impossible in the current practice in these industrial organizations. The variables of this management include worker, crew, Work Order, Dates, Planning Status, planner, dates, etc. (see tech manual and summary sheets). The invention operates by interfacing with the CMMS database in a thoroughly interactive process. The local program constructs a parallel database and reads and
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feedbacks to the CMMS database frequently to stay current and accurate.

Figure 1

Scheduled Work

Work week: [Go to 1/7...], [Return to 1/10...]

Update: [06/20/2011 10:57 A] [Update]

Unscheduled Work

Filter unscheduled work by: [ALL] [AND] [ALL]

Scheduled Jobs

WO ID	Step	Unit	T	Ph	SI	Prog	M	P	Hrs	S	Hrs	WO Description
00-000443-000												
00-000144-000												
02-000178-000												
00-000145-000												
00-000146-000												
00-000147-000												
00-000148-000												

Unscheduled Jobs

WO ID	Step	Unit	T	Ph	SI	Prog	M	P	Hrs	S	Hrs	WO Description
00-000143-000												
00-000144-000												
02-000178-000												
00-000145-000												
00-000146-000												
00-000147-000												
00-000148-000												

Annotations:

- Select a crew
- Select a week
- Last update
- Update for new & existing records
- Filter and subfilter
- Move from unscheduled to scheduled
- Load grids manually (view, settings, unchecked)
- Standing Work Order List
- Backlog List
- Planned Outage List
- Short Outage List
- All unscheduled work orders
- Move to Work Week Form
- Gross Labor Hrs
- Net Labor Hrs
- % Scheduled

Handwritten Numbers: 104, 100, 102

Figure 3

Work Week Management Form

Crew: IM02 Week of: 2/11/02

Gross Available Manpower Hrs.:	480	Back Log Weeks:	0.0	Actual Hrs.:	100.0	CM Hrs.:	72.1%	Sponsored Hrs.:	14.7%
Total Unavailable Manpower Hrs.:	314.0	Sponsored VO:	1.0	Actual Unplanned Hrs.:	32.0	PM Hrs.:	13.2%	Emergency Hrs.:	11.8%
Net Available Manpower Hrs.:	166.0	Emerging VO:	1.0	Scheduled Work:	315.0	PR Hrs.:	0.0%	Sch. Compliance VO B.:	47.8%
Back Log Man Hrs.:	N/A	PM Compliance:	50.0%	% Planned:	231.5%	CD Hrs.:	14.7%	Sch. Compliance Hrs.:	31.7%
# Of Back Log Work Orders:	N/A	SA Compliance:	0.0%	Net Hrs. Accounted:	100.0%	SA Hrs.:	0.0%	Planning Effectiveness:	92.8%
Resource Utilization:	28.3%	EN Compliance:	100.0%	Indirect Work:	0.0%	EN Hrs.:	27.9%	VO Completed w/o Hours:	3.0

Planned Work

WO ID	Step	T	Unit	Pi	SI	Prog	M	P Hrs	S Hrs	A Hrs	Description	#	M	T	W	TH	F	S	SU	Sys	EN/SA	PLNR
02-000222-000	1	CM	F00	005	P	C	4	8	30	30	85 FLY ASH PUMP CHECK VALVE 1	4	30							014	EN	LVM
02-000478-000	1	PM	F00	013	R	C	2	4	18	8	FAB UP NEW OIL VACUUM TOOL						2	18		020	EN	RL
02-000690-000	1	PM	F00	012	R	F	1	3	3	8	PAV WATER STRAINERS, 3RD FLC									024		LVM
02-000615-000	1	CM	F00	011	R	F	2	1	2	2	FITTERS TO PIPE UP NEW HYDRO									300		LVM
02-000626-000	1	PM	F00	015	R	C	2	1	1	2	PEDESTAL GRINDER INSPECTION	1	1							301		LVM
02-000571-000	1	PM	F01	012	R	C	2	8	16	16	LUNT 1.9 AND OLD SH-FT ENDS OFF									024		LVM
02-001389-000	1	CM	F02	005	R	C	2	4	8	8	PA BFP - DB BOLLV DRAIN GASKEI	2	8							003		LVM
02-001720-000	1	CM	F04	010	R	C	2	8	16	16	LUNT 4 HPH #1 1 split dist to unit #141									002		LVM
02-001690-000	1	CM	F06	012	R	C	2	16	32	32	LUNT 5 A BRG VAL ANCHORING DRUM									002		LVM

Indirect Work

WO ID	Step	T	Unit	Pi	SI	Prog	M	P Hrs	S Hrs	A Hrs	Description	#	M	T	W	TH	F	S	SU	Sys	EN/SA	PLNR	
01-017880-000	1	M	F00	014	P	F	1	9	40	40	IM02-USED TO CHARGE ONLY FOR	1	8	1	8	1							
01-012762-000	1	M	F00	016	P	F	10	25	25	25	WEEKLY CLEANUP ASSIGNED APT												
01-012800-000	7	M	F00	014	P	F	2	2	3	3	IM02 MEETING/TRAINING/SAFE												
01-012800-000	5	M	F00	014	P	F	1	8	49	49	IM02 MEETING/TRAINING/SAFE												
01-012800-000	2	M	F00	014	P	F	1	8	8	8	IM02 MEETING/TRAINING/SAFE												

Other Unavailable Time

Category	M	T	W	TH	F	S	SU
Vacation							
Holiday							
Other Leave	96	18	18	18	18	18	
Sick							
Off Days							
Operations	96	16	16	16	16	16	160

Emergent Work

WO ID	Step	T	Unit	Pi	SI	Prog	M	P Hrs	S Hrs	A Hrs	Description	#	M	T	W	TH	F	S	SU	Sys	EN/SA	PLNR	
02-000226-000	1	CM	F07	008	R	F	2	8	0	0	UNIT ZMGRSHVESTIGRUM 5-AS-EL												
01-017315-000	1	CM	F03	000	R	F	2	8	0	0	UR 12 FEEDWATER/ROV/NEGRS P												

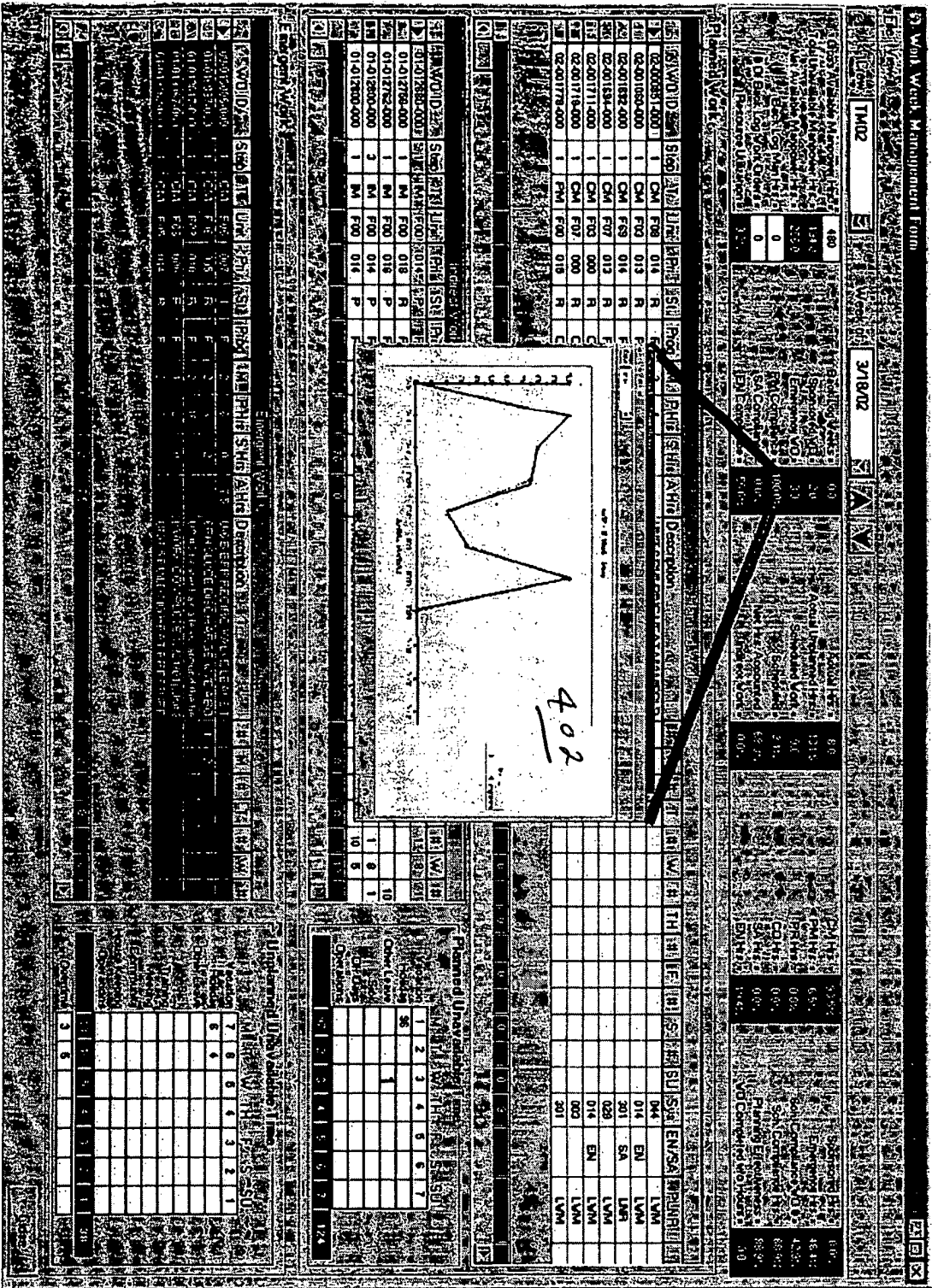
Unplanned Time

Category	M	T	W	TH	F	S	SU
Vacation							
Holiday							
Other Leave							
Sick							
Training							
Meeting							
Community							
House Keeping							
Operations							
Overtime	0	0	0	0	0	0	0

Handwritten notes: 304, 301, 306, 300, 308

Close

Figure 4



300

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2003

Application or Docket Number

10851663

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	10	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	10 minus 20 = *	*
INDEPENDENT CLAIMS	1 minus 3 = *	*
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE OR

RATE	FEE
BASIC FEE	385.00
X\$ 9=	/
X43=	/
+145=	/
TOTAL	385.

OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	770.00
X\$18=	
X86=	
+290=	
TOTAL	

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total *	Minus **	=
	Independent *	Minus ***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY OR

RATE	ADDITIONAL FEE
X\$ 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X\$18=	
X86=	
+290=	
TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total *	Minus **	=
	Independent *	Minus ***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
X\$ 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X86=	
+290=	
TOTAL ADDIT. FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total *	Minus **	=
	Independent *	Minus ***	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
X\$ 9=	
X43=	
+145=	
TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE
X\$18=	
X86=	
+290=	
TOTAL ADDIT. FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.